

# FEDERAL REGISTER

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## Title 7—AGRICULTURE

**Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture**  
[Avocado Order 17]

### PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

#### Quality and Maturity Regulation

§ 969.317 Avocado Order 17.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 30, 1959. Shipments of avocados are currently subject to grade regulations, pursuant to the amended marketing agreement and order, and will continue to be so limited under such regulation until April 30, 1959; recommendation as to the need for, and the extent of, regulation of the quality of shipments of such avocados on and after

April 30, 1959, was made by the Avocado Administrative Committee at a meeting on April 14, 1959, after giving due notice of such meeting and after consideration of all available information as to the quality, the supply of, and demand for, such avocados, at which time the recommendations and supporting information for quality regulation in the manner and for the period herein set forth were submitted to the Department; such meeting was held for the purpose of considering recommendations for regulation and interested persons were afforded opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., April 30, 1959, and ending at 12:01 a.m., e.s.t., April 1, 1960, no handler shall handle any avocados, grown in south Florida, unless such avocados grade at least No. 2 Grade.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said amended marketing agreement and order; and terms relating to grade, as used herein, shall have the same meaning as is given to the respective terms in the United States Standards for Florida Avocados (§§ 51.3050 to 51.3069; 22 F.R. 6205).

(Sec. 5, 49 Stat. 753, as amended, 7 U.S.C. 608c)

[SEAL]      FLOYD F. HEDLUND,  
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

APRIL 17, 1959.

[F.R. Doc. 59-3372; Filed, Apr. 21, 1959; 8:48 a.m.]

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## CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

**Titles 10-13, Rev. Jan. 1, 1959 (\$5.50)**

**Title 14, Parts 40-399 (\$0.55)**

**Title 18 (\$0.25)**

**Title 26, Part 300 to end, Title 27 (\$0.30)**

**Title 32, Parts 700-799 (\$0.70)  
Part 1100 to end (\$0.35)**

**Title 39 (\$0.70)**

**Title 43 (\$1.00)**

**Title 46, Parts 1-145 (\$1.00)**

**Title 49, Parts 1-70 (\$0.25)**

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 22-23 (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Title 32A (\$0.40); Titles 35-37 (\$1.25); Title 38 (\$0.55); Titles 40-42 (\$0.35); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 71-90 (\$0.70); Parts 91-164 (\$0.40)

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## Title 9—ANIMALS AND ANIMAL PRODUCTS

**Chapter I—Agricultural Research Service, Department of Agriculture**

**SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY**

[B.A.I. Order 309, Amdt. 19]

**PART 73—SCABIES IN CATTLE**

**PART 74—SCABIES IN SHEEP**

**Permitted Dips; Substances Allowed**

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884,

as amended (21 U.S.C. 111-113, 120, 121, 123, 125), Parts 73 and 74 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, containing the regulations restricting the interstate movement of cattle and sheep because of scabies, are amended as follows:

**§ 73.2 [Amendment]**

1. The portion of paragraph (a) of § 73.2 preceding the colon is amended to read:

(a) *Conditions under which permitted after one dipping.* Cattle which, just prior to shipment, were affected with scabies but have been dipped once in a permitted dip (other than a lindane dip) under the supervision of a Division inspector within 10 days prior to the date of shipment may be shipped or transported interstate for immediate slaughter to a recognized slaughtering center, upon compliance with the following conditions:

**§ 73.10 [Amendment]**

2. Paragraph (a)(3) of § 73.10 is amended to read:

(3) Lindane dip made from the wettable powder and maintained at a concentration of 0.075 percent. Animals treated by such dip should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). Such period will be specified in accordance with such requirements by the Division inspector who supervises the dipping.

3. Paragraph (c) of § 73.10 is amended to read:

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than 2 percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division.<sup>1</sup> The dipping bath for the lindane dip must be used at a temperature of less than 80° F., and must be maintained at all times at a concentration of 0.075 percent.<sup>2</sup>

<sup>1</sup>The field test for lime-sulphur dipping baths is described in United States Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at 5 cents a copy. A field test outfit at present approved by the Division for nicotine dipping baths is that designated for the purpose of identification as "Field test outfit N-3." (Description available on application to the Department.)

<sup>2</sup>Inasmuch as care must be exercised in dipping animals and in maintaining the bath at the standard concentration when these wettable powders are employed, detailed instruction will be issued for the guidance of employees who may be called upon to use them in the scabies eradication program.

4. The introductory paragraph of § 74.9 is amended to read:

**§ 74.9 Conditions under which permitted after one dipping.**

Sheep which, just prior to shipment, were affected with scabies but have been dipped once in a permitted dip (other

than a lindane dip) under the supervision of a Division inspector within 10 days prior to the date of shipment may be shipped or transported interstate, for immediate slaughter, to a recognized slaughtering center provided the following conditions are strictly observed and complied with:

**§ 74.24 [Amendment]**

5a. Paragraph (a)(3) of § 74.24 is amended to read:

(3) Lindane dip made from the wettable powder and maintained at a concentration of 0.06 percent. Sheep treated by such dip should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). Such period will be specified in accordance with such requirements by the Division inspector who supervises the dipping.

b. Paragraph (c) of § 74.24 is amended to read:

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than 1½ percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division.<sup>1</sup> The dipping bath for the lindane dip must be used at a temperature of less than 80° F., and must be maintained at all times at a concentration of 0.06 percent.<sup>2</sup>

<sup>1</sup>The field test for lime-sulphur dipping baths is described in United States Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at 5 cents a copy. A field test outfit at present approved by the Division for nicotine-dipping baths is that designated for the purpose of identification as "Field test outfit N-3." (Description available on application to the Department.)

<sup>2</sup>Inasmuch as care must be exercised in dipping animals and in maintaining the bath at the standard concentration when these wettable powders are employed, detailed instruction will be issued for the guidance of employees who may be called upon to use them in the scabies eradication program.

**Effective date.** This amendment shall become effective upon publication in the FEDERAL REGISTER.

The primary purpose of this amendment is to remove benzene hexachloride from the list of dips permitted by the Department for the treatment, under Division supervision, of cattle and sheep affected with or exposed to scabies. It also reflects limitations on the use of the permitted lindane dip.

This amendment must be made effective immediately to be of maximum benefit to the public. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126)

Done at Washington, D.C., this 17th day of April 1959.

[SEAL]

M. R. CLARKSON,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 59-3396; Filed, Apr. 21, 1959; 8:51 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7205]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

Mac Smith et al.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*: Retail as cost, etc., or discounted; sales below cost. Subpart—*Invoicing products falsely*: § 13.1108 *Invoicing products falsely*: Fur Products Labeling Act. Subpart—*Misbranding or mislabeling*: § 13.1212 *Formal regulatory and statutory requirements*: Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1852 *Formal regulatory and statutory requirements*: Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new*: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Mac Smith and Libbie Smith trading as Smith Fur Company, Chicago, Ill., Docket 7205, March 27, 1959]

*In the Matter of Mac Smith, and Libbie Smith, Individually and as Copartners, Trading as Smith Fur Company*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Chicago with violating the Fur Products Labeling Act by failing to label and invoice fur products as "secondhand" when that was the case, and failing in other respects to comply with the labeling and invoicing requirements; by advertising which represented prices of fur products falsely to be "Wholesale Cost or Below" and as "60 percent below retail"; and by failing to maintain adequate records on which such pricing claims were based.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 27 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents Mac Smith and Libbie Smith, individually and as copartners, trading as Smith Fur Company, or under any other name, and respondents' representatives, agents and

employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of secondhand fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product.

B. Failing to disclose that fur products contain or are composed of "Secondhand fur," when such is the fact.

C. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with non-required information;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of secondhand fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

B. Failing to disclose that fur products contain or are composed of "Secondhand fur," when such is the fact.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Represents, directly or by implication, that the prices of fur products are at "Wholesale Cost or Below," when such is not the fact.

4. Making price claims and representations respecting percentage savings unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 27, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 59-3354; Filed, Apr. 21, 1959;  
8:45 a.m.]

[Docket 7312]

### PART 13—DIGEST OF CEASE AND DESIST ORDERS

#### Martin Goldstein et al.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*: Exaggerated as regular and customary; fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception*: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*: § 13.1056 *Preticketing merchandise misleadingly*. Subpart—*Misbranding or mislabeling*: § 13.1280 *Price*. Subpart—*Misrepresenting oneself and goods*—*Prices*: § 13.1805 *Exaggerated as regular and customary*; § 13.1811 *Fictitious preticketing*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Martin Goldstein and Morris Nagler doing business as The Nagold Co., New York, N.Y., Docket 7312, March 26, 1959]

*In the Matter of Martin Goldstein and Morris Nagler, Doing Business as The Nagold Co.*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City

firm of factory agents for manufacturers of cutlery, luggage, kitchenware, jewelry, and other merchandise, with representing falsely that fictitious and exaggerated amounts appearing in their advertising and promotional literature and attached to their said products were the usual retail selling prices.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 26 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents Martin Goldstein and Morris Nagler, as individuals or as copartners trading and doing business as The Nagold Co., or under any other trade name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cutlery, luggage, kitchenware, jewelry or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or indirectly that any price is the retail selling price of their products which is in excess of the price at which their products are regularly and customarily sold at retail.

2. Providing retailers or distributors of their products with pre-ticketed articles of merchandise or price lists or advertising or promotional material through or by which said retailers or distributors are enabled to mislead and deceive the purchasing public with respect to the matter set out in Paragraph One herein.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 26 the decision of the Commission.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 26, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 59-3353; Filed, Apr. 21, 1959;  
8:45 a.m.]

## Title 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### PART 522—EMPLOYMENT OF LEARNERS

##### Glove Industry

On February 28, 1959, notice was published in the FEDERAL REGISTER (24 F.R. 1533), that the Administrator, Wage and

Hour and Public Contracts Division, proposed to amend 29 CFR, Part 522, for the purpose of providing: (1) An increase in wage rates for all learners in the leather glove branch, the woven or knit fabric branch, and the knitted glove branch of the Glove Industry by five cents; (2) an increase in wage rates for learners in the work glove branch of the industry to 83 and 90 cents, in lieu of 77½ cents and 85 cents presently provided; and (3) for application of these amendments, as of their effective date, to learners presently employed pursuant to outstanding special certificates. The notice provided a period of fifteen days within which interested persons might submit data, views, or arguments pertaining to the proposed regulations.

No material objections were voiced in the comments received. Upon consideration of all available relevant matter, I conclude that the amendments should be adopted as proposed, with additional editorial amendments of §§ 522.60, and 522.61 to include references to § 522.66 added by this amendment.

The amendment is based on section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), providing in substance for the employment of learners at subminimum wage rates to the extent necessary to prevent curtailment of opportunities for employment, and is promulgated in the light of economic developments, administrative experience in the operation of the regulations since the effective date of the \$1.00 an hour statutory minimum (Fair Labor Standards Amendments of 1955, 69 Stat. 711), and after consultation with interested parties in the industry.

Therefore in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and under the authority of section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F.R. 3290), 29 CFR, Part 522 is hereby amended as follows.

**§ 522.60 [Amendment]**

1. Section 522.60 is amended by deleting references to "§§ 522.60 through 522.65" where this appears on two occasions and inserting in lieu thereof "§§ 522.60 through 522.66".

2. The headnote and the first paragraph of § 522.61 is amended to read as follows:

**§ 522.61 Applicability of §§ 522.60 through 522.66.**

For purposes of §§ 522.60 through 522.66, the Glove Industry consists of the following four branches:

**§ 522.65 [Amendment]**

3. Paragraph (a) of § 522.65 is amended to read as follows:

(a) The subminimum rates which may be authorized in special certificates issued in the glove industry shall be not less than 85 cents an hour for the first 320 hours and not less than 95 cents an hour for the remaining 160 hours in the

leather glove, woven or knit fabric glove, and knitted glove branches of the industry, and not less than 83 cents an hour for the first 320 hours and not less than 90 cents an hour for the remaining 160 hours in the work glove branch of the industry.

4. A new section designated § 522.66 is added to read as follows:

**§ 522.66 Amendment of certificates previously issued.**

Pursuant to § 522.8, learner certificates heretofore issued in the glove industry shall be amended to restrict the employment of learners under such certificates to the limitations on their employment under new certificates which are expressed in § 522.65.

(Sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214)

This amendment shall take effect on May 25, 1959.

Signed at Washington, D.C., this 17th day of April 1959.

CLARENCE T. LUNDQUIST,  
Administrator.

[F.R. Doc. 59-3392; Filed, Apr. 21, 1959;  
8:50 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54834]

#### PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

##### Ports of Entry; Changes in the Customs Field Organization

APRIL 15, 1959.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the designation of Roosevelttown, New York, as a customs port of entry in Customs Collection District No. 7 (St. Lawrence), is hereby revoked and a new customs port of entry to be known as Massena, New York, is hereby designated in said District, which port shall include the township of Massena (of which Roosevelttown is a part) in the State of New York.

Section 1.1(c) of the Customs Regulations is amended by deleting "Roosevelttown (E.O. 6545, Jan. 2, 1934)." and adding "Massena (T.D. 54834)." in the column headed "Ports of entry" in District No. 7 (St. Lawrence).

The name "Tok Junction, Alaska," was changed by the Post Office Department to "Tok, Alaska," in Postal Bulletin 20114, dated November 6, 1958. To conform with this change, § 1.2(d) of the Customs Regulations is amended by substituting "Tok, Alaska" for "Tok Junction, Alaska" in the column headed "Customs Stations" in District No. 31, effective upon publication in the FEDERAL REGISTER.

(R.S. 161, 251, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66)

Notice of the proposed revocation of Roosevelttown, and designation of Massena as a customs port of entry was published in the FEDERAL REGISTER of February 26, 1959 (24 F.R. 1419), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Consideration was given to the one objection received. Inasmuch as the change provides additional service to the public without cost, it is considered in the best interest of the public that this action be put in effect without delay. For this reason, it is found that compliance with the effective date limitations of section 4(c) of that Act serves no good purpose. The revocation of Roosevelttown, New York, as a customs port of entry and the designation of Massena, New York, as a customs port of entry in Customs Collection District No. 7 (St. Lawrence) shall therefore, be effective upon publication in the FEDERAL REGISTER (MC 192-7.1).

[SEAL] A. GILMORE FLUES,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-3381; Filed, Apr. 21, 1959;  
8:48 a.m.]

## Title 26—INTERNAL REVENUE, 1954

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6372]

#### PART 40—MANUFACTURERS AND RETAILERS EXCISE TAXES

##### Sale of Radio and Television Receiving Sets, Phonographs, Phonograph Records, and Musical Instruments

On October 10, 1958, notice of proposed rule making with respect to regulations under sections 4141, 4142, 4151, and 4152 of the Internal Revenue Code of 1954, as amended, relating to the tax imposed on the sale of radio and television receiving sets, phonographs, combinations of any of the foregoing, phonograph records, radio and television components, and musical instruments was published in the FEDERAL REGISTER (23 F.R. 7853). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph (c)(1) of § 40.4141-1 is revised as follows:

(A) By striking "in subdivisions (ii) and (iii)" in subdivision (i) thereof and inserting in lieu thereof "in either subdivision (ii) or (iii)", and

(B) By inserting "marine," in subdivision (iii) after "commercial,"

PAR. 2. Section 40.4141-2 is revised by striking "and the regulations thereunder contained in Subpart M of this part" and



inserting in lieu thereof "as applicable to sales made prior to January 1, 1959".

PAR. 3. Paragraph (b) of § 40.4152-1 is revised by striking "section 6416(b) (2) (A) (see the applicable regulations in Subpart N of this part)" and inserting in lieu thereof "section 6416(b) (2)".

PAR. 4. The last sentence of paragraph (d) (2) of § 40.4152-1 is revised by striking "and the regulations in Subpart N of this part".

PAR. 5. Paragraph (e) of § 40.4152-1 is revised by striking "section 6416(b) (2) (A) and the regulations thereunder contained in Subpart N of this part" and inserting in lieu thereof "section 6416(b) (2)".

PAR. 6. Section 40.4152-2 is revised by striking "and the regulations thereunder contained in Subpart M of this part" and inserting in lieu thereof "as applicable to sales made prior to January 1, 1959".

[SEAL] CHARLES I. FOX,  
Acting Commissioner of  
Internal Revenue.

Approved: April 16, 1959.

FRED C. SCHRIEBNER, Jr.,  
Acting Secretary of the Treasury.

1. In § 40.0-3 of The Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 40) strike paragraph (i) and insert in lieu thereof the following:

(i) *Subpart J.* The regulations in Subpart J of this part relate to sales made by the manufacturer, producer, or importer on or after September 1, 1955, of the articles specified in that subpart.

(Sec. 7805, I.R.C. 1954, 68A Stat. 917; 26 U.S.C. 7805)

2. The regulations as adopted under subchapter C of chapter 32 of the Internal Revenue Code of 1954, as amended, are as follows:

#### Subpart J—Radio and Television Sets, Phonographs, Phonograph Records, and Musical Instruments

##### RADIO AND TELEVISION SETS, PHONOGRAPHS, AND RECORDS

Sec.	
40.4141	Statutory provisions; imposition of tax.
40.4141-1	Imposition of tax.
40.4141-2	Tax-free sales.
40.4142	Statutory provisions; definition of radio and television components.
40.4142-1	Radio and television components.
	MUSICAL INSTRUMENTS
40.4151	Statutory provision; imposition of tax.
40.4151-1	Imposition of tax.
40.4152	Statutory provisions; exemption for religious or educational use.
40.4152-1	Sales of musical instruments not subject to tax.
40.4152-2	Other tax-free sales.

AUTHORITY: §§ 40.4141 to 40.4142-1 and §§ 40.4151 to 40.4152-2, incl., are issued under sec. 7805, I.R.C. 1954, 68A Stat. 917; 26 U.S.C. 7805.

##### RADIO AND TELEVISION SETS, PHONOGRAPHS AND RECORDS

#### § 40.4141 Statutory provisions; imposition of tax.

SEC. 4141. *Imposition of tax.* There is hereby imposed upon the sale by the manu-

facturer, producer, or importer of the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof), a tax equivalent to 10 percent of the price for which so sold:

- Radio receiving sets.
- Automobile radio receiving sets.
- Television receiving sets.
- Automobile television receiving sets.
- Phonographs.
- Combinations of any of the foregoing.
- Radio and television components.
- Phonograph records.

Except in the case of radio and television components and phonograph records, the tax imposed by this section shall apply only to articles of the entertainment type.

[Sec. 4141 as amended by sec. 2(a), Act of Aug. 11, 1955 (Pub. Law 367, 84th Cong., 69 Stat. 690)]

#### § 40.4141-1 Imposition of tax.

(a) *In general.* Section 4141 imposes a tax upon the sale by the manufacturer, producer, or importer of the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof):

- (1) Radio receiving sets,
- (2) Automobile radio receiving sets,
- (3) Television receiving sets,
- (4) Automobile television receiving sets,
- (5) Phonographs,
- (6) Combinations of any of the foregoing,
- (7) Radio and television components, and
- (8) Phonograph records.

In the case of a sale of a radio receiving set, automobile radio receiving set, television receiving set, automobile television receiving set, phonograph, or any combination of the foregoing, the tax attaches only if the article is of the entertainment type. The tax attaches upon the sale of phonograph records and radio and television components without regard to whether such articles are of the entertainment type. For a description of articles of the entertainment type, see paragraph (c) of this section. For provisions relating to (i) phonograph records and (ii) parts or accessories sold on or in connection with the sale of any article specified in subparagraphs (1) to (8) of this paragraph, see paragraphs (d) and (e), respectively, of this section. For definition of the term "radio and television components", and other provisions relating thereto, see section 4142 and § 40.4142-1.

(b) *Rate of tax.* Tax is imposed upon the sale of the above-mentioned taxable articles at the rate of 10 percent of the price for which sold. For definition of the term "price", see section 4216 and the regulations thereunder.

(c) *Articles of the entertainment type.*—(1) *Radio receiving sets.* (i) Except as provided in either subdivision (ii) or (iii) of this subparagraph, a radio receiving set shall be considered of the entertainment type when the circuitry of the set is such that the set can receive radio transmissions on the Standard Commercial Amplitude Modulation (AM) or Frequency Modulation (FM) broadcast frequencies. It is immaterial whether the set is designed, intended, or sold for use in a private home or a commercial establishment, such as a restaurant, retail store, etc.

(ii) A radio receiving set shall be deemed not an article of the entertainment type when it contains all of the following items and such items are incorporated in the circuitry for a functional purpose:

(a) A band change mechanism permitting reception on two or more short wave bands;

(b) A variable beat frequency oscillator or other equipment designed to receive code transmission on Continuous Wave (CW) operated by means of a "front panel" control;

(c) A fine tuning or band spread or Vernier tuning mechanism that is calibrated with a subdividing logging scale;

(d) Provisions for earphones;

(e) A meter incorporating a moving coil or armature indicating relative field strength of the signal received; and

(f) A primary conversion oscillator, the frequency of which is controlled by a quartz crystal oscillator.

(iii) A radio receiving set of the type designed and manufactured primarily for the performance of communication, navigation, or detection services for industrial, commercial, marine, or governmental use generally may be considered not of the entertainment type. Services coming within the scope of the preceding sentence include, but are not limited to, safety, transportation, or disaster.

(2) *Television receiving sets.* A television receiving set shall be considered of the entertainment type when the circuitry of the set is such that it can receive television transmissions on the Standard Commercial Ultra High Frequency (UHF) or Very High Frequency (VHF) channels. It is immaterial whether the set is designed, intended, or sold for use in a private home or a commercial establishment, such as a restaurant, retail store, etc. A television receiving set which has incorporated in its circuitry for a functional purpose all the features described in subparagraph (1) (ii) of this paragraph is deemed not an article of the entertainment type. A television receiving set designed and manufactured primarily to perform any of the services listed in subparagraph (1) (iii) of this paragraph generally may be considered not of the entertainment type.

(3) *Phonographs.* A phonograph shall be considered of the entertainment type if it is designed to reproduce sounds from phonograph records (as defined in paragraph (d) of this section). It is immaterial whether the phonograph is designed, intended, or sold for use in a private home or a commercial establishment, such as a restaurant, retail store, etc.

(d) *Phonograph records.* The term "phonograph records" means all disks, cylinders, or other articles, regardless of the material from which they are made, upon which are recorded music, speech, or other sounds which are capable of reproduction by means of a phonograph, regardless of whether such records are or are not of the entertainment type. The term does not include tape or wire recordings.

(e) *Parts or accessories.* The tax attaches in respect of parts or accessories sold on or in connection with the sale of a radio receiving set, automobile radio

receiving set, television receiving set, automobile television receiving set, phonograph, or any combination of the foregoing which is of the entertainment type (as defined in paragraph (c) of this section). The tax attaches in respect of parts or accessories sold on or in connection with the sale of phonograph records or radio and television components (see section 4142 and § 40.4142-1) without regard to whether such records or components are suitable for use on or in connection with an article of the entertainment type. Tax is not imposed in respect of parts or accessories sold separately by the manufacturer, producer, or importer, that is, not sold on or in connection with the sale of any radio or television receiving set, phonograph, any combination of the foregoing, or any phonograph record, or radio or television component.

**§ 40.4141-2 Tax-free sales.**

For provisions relating to tax-free sales of articles referred to in section 4141, see—

(a) Section 4220, relating to sales or resales to manufacturers for further manufacture;

(b) Section 4222, relating to sales for use as supplies for certain vessels and airplanes;

(c) Section 4224, relating to articles sold for the exclusive use of a State or local government; and

(d) Section 4225, relating to sales for export;

as applicable to sales made prior to January 1, 1959.

**§ 40.4142 Statutory provisions; definition of radio and television component.**

Sec. 4142. *Definition of radio and television component.* As used in section 4141 the term "radio and television components" means chassis, cabinets, tubes, speakers, amplifiers, power supply units, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of any of the articles enumerated in section 4141, whether or not primarily adapted for such use.

**§ 40.4142-1 Radio and television components.**

(a) *In general.* The term "radio and television components" means chassis, cabinets, tubes, speakers, amplifiers, power supply units, antennae of the "built-in" type, and phonograph mechanisms. However, an article specified in the preceding sentence constitutes a radio or television component, for purposes of the tax imposed by section 4141, if it is suitable for use on or in connection with, or as a component part of, any radio receiving set, automobile radio receiving set, television receiving set, automobile television receiving set, phonograph, or a combination of the foregoing, without regard to whether such set, phonograph, or combination is of the entertainment type.

(b) *Suitable for use defined.* Radio or television components are suitable for use, within the meaning of section 4142 and paragraph (a) of this section, if the components are commonly used with any of the articles enumerated in section

4141 and paragraphs (a) (1) to (6) of § 40.4141-1 or if the components possess actual, practical commercial fitness for such use. It is immaterial whether the radio or television component is primarily adapted for such use.

(c) *Definitions.*—(1) *Chassis.* The term "chassis" includes any assembly of parts into circuits for the reception and conversion of radio or television signals into impulses suitable for the reproduction of (i) sound by a radio receiving set, or (ii) a picture, either with or without its associated sound, by a television receiving set.

(2) *Cabinets.* The term "cabinets" includes containers suitable for housing a chassis for any radio or television receiving set, phonograph, or any combination of the foregoing.

(3) *Tubes.* The term "tubes" includes tubes of all types suitable for use on or in connection with, or as component parts of, any radio or television receiving set, phonograph, or any combination of the foregoing.

(4) *Speakers.* The term "speakers" includes all devices for use in converting electrical impulses to sound whether or not equipped with coupling units (but not including earphones) which are suitable for use on or in connection with, or as component parts of, any radio or television receiving set, phonograph, or any combination of the foregoing.

(5) *Amplifiers.* The term "amplifiers" includes all apparatus for the amplification of audio frequency or video frequency impulses which are suitable for use on or in connection with, or as component parts of, any radio or television receiving set, phonograph, or any combination of the foregoing.

(6) *Power supply units.* The term "power supply units" includes all devices which are suitable for use on or in connection with, or as component parts of, any radio or television receiving set, phonograph, or any combination of the foregoing and which convert electric current of ordinary commercial and domestic voltages into electric current voltages suitable for operating any such articles.

(7) *Antennae of the "built-in" type.* The term "antennae of the 'built-in' type" includes all types of aerials designed to be contained in any radio or television receiving set, or combination of the foregoing.

(8) *Phonograph mechanism.* A "phonograph mechanism" is a combination of a motor, pick-up arm, and turntable. A pick-up cartridge or record changer sold on or in connection with a phonograph mechanism is a part or accessory for the phonograph mechanism.

**MUSICAL INSTRUMENTS**

**§ 40.4151 Statutory provisions; imposition of tax.**

Sec. 4151. *Imposition of tax.* There is hereby imposed upon the sale of musical instruments by the manufacturer, producer, or importer a tax equivalent to 10 percent of the price for which so sold.

**§ 40.4151-1 Imposition of tax.**

(a) *In general.* Section 4151 imposes a tax upon the sale of musical instru-

ments by the manufacturer, producer, or importer thereof.

(b) *Rate of tax.* The tax is imposed upon the sale of musical instruments at the rate of 10 percent of the price for which sold. For definition of the term "price", see section 4216 and the regulations thereunder.

(c) *Definition of musical instruments.* The term "musical instruments" includes all wind, reed, string, percussion or electronic instruments used to produce music, including but not limited to all types of pianos and organs, trombones, saxophones, violins, drums, xylophones, chimes, cymbals, bongos, castanets, maracas, claves, etc. The term does not include articles in the nature of toys or novelties which simulate musical instruments and which are unsuitable for use in playing musical compositions or in teaching music.

**§ 40.4152 Statutory provisions; exemption for religious or educational use.**

Sec. 4152. *Exemption for religious or educational use.* The tax imposed by section 4151 shall not apply to musical instruments sold for the use of any religious or nonprofit educational institution for exclusively religious or educational purposes. The right to exemption under this section shall be evidenced in such manner as the Secretary or his delegate may prescribe by regulations.

**§ 40.4152-1 Sales of musical instruments not subject to tax.**

(a) *Sold direct by manufacturers for religious or educational use.* The tax imposed by section 4151 does not attach to the sale of a musical instrument by the manufacturer, producer, or importer direct to a religious or nonprofit educational institution for exclusively religious or educational purposes.

(b) *Sales for resale.* No sale of a musical instrument may be made tax free by a manufacturer to a dealer for resale to a religious or nonprofit educational institution for exclusively religious or educational purposes even though it is known at the time of such sale that the musical instrument will be resold for such purpose. However, where any dealer resells a tax-paid musical instrument to a religious or nonprofit educational institution for exclusively religious or educational purposes, the manufacturer who paid the tax on his sale of such musical instrument may secure a refund or credit in accordance with the provisions of section 6416(b) (2).

(c) *Religious or nonprofit educational institution.* To constitute a religious or nonprofit educational institution within the meaning of section 4152, (1) there must be a definite organization with officers, directors, or trustees, and the usual essential features (incorporation not being necessary) of an organization of its class; (2) the organization must have a purpose which as put into practice is religious or educational; and (3) in the case of an educational institution its funds must be used solely in furtherance of such purpose, none of the funds being paid or otherwise distributed to any of its members or other persons except as reasonable compensation for services actually rendered or in furtherance of the educational purposes of the organization.

(d) *Evidence required to establish exemption*—(1) *In general.* To establish that a sale of a musical instrument is exempt from the tax imposed by section 4151, it is necessary that the manufacturer obtain from the purchaser and retain in his possession a properly executed exemption certificate in the form prescribed by subparagraph (4) of this paragraph.

(2) *Sales covered by certificates; records.* Where only occasional sales of musical instruments for exempt use are made to a purchaser, a separate exemption certificate should be furnished for each order. However, where sales are regularly and frequently made to a purchaser for exempt use, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be kept for inspection by the district director as provided in section 6001.

(3) *Evidence required to establish that the purchaser is a religious or nonprofit educational institution*—(i) *Churches.* In the case of a church, no evidence is necessary to establish the fact that such an institution is a religious institution.

(ii) *Other religious institutions or nonprofit educational institutions.* In the case of a religious institution other than a church and in the case of a nonprofit educational institution, a properly executed exemption certificate showing that the institution has received a determination letter from a district director or a ruling from the Commissioner holding the institution—

(a) To be a religious institution or a nonprofit educational institution of the type described in section 501 (c) (3), and

(b) Exempt from income tax under section 501 (a) or not entitled to exemption from income tax under section 501 (a) by reason of the provisions of section 503, relating to prohibited transactions, or section 504, relating to accumulations out of income,

(or that it has received such determination letter or ruling under the corresponding provisions of prior revenue laws) is acceptable to support a tax-free sale thereto. The exemption certificate must show the date of such determination letter or ruling and that such determination letter or ruling is still in effect and has not been withdrawn or revoked. Where the exempt character of the institution has not been established by a determination letter or ruling, or in some other manner as previously indicated in this section, the institution, in order to enable the manufacturer to establish his right to sell tax free, may apply to the district director for the district in which its principal office is located for a determination of its status. Application for a determination should be made by filing Form 1023 with such district director. Copies of the form and instructions as to the appropriate procedure to be followed in filing it may be obtained from the appropriate district director.

(4) *Acceptable form of exemption certificate.* The following form of exemption certificate will be acceptable for the

purposes of this section and must be adhered to in substance:

#### EXEMPTION CERTIFICATE

(For use by a religious or nonprofit educational institution purchasing musical instruments subject to tax under section 4151 of the Internal Revenue Code of 1954 for exclusively religious or educational purposes.)

\_\_\_\_\_, 19\_\_

(Date)

The undersigned hereby certifies that he is

(Title)

of \_\_\_\_\_ and  
(Religious or nonprofit educational institution)

is authorized to execute this certificate; and that the musical instruments specified in the accompanying order or on the reverse side hereof are purchased by such institution for exclusively religious or educational purposes.

It is understood that this exemption certificate is for use only by a religious or nonprofit educational institution in the tax-free purchase of musical instruments for exclusively religious or educational purposes; and it is agreed that if the musical instruments purchased tax free are used otherwise than as set forth in this certificate, such fact will be reported to the manufacturer, producer, or importer from whom the instruments were purchased tax free.

The institution (if other than a church) claiming exemption under this certificate has received a determination letter or ruling from the Internal Revenue Service holding the institution (1) to be a religious or nonprofit educational institution of the type described in section 501 (c) (3) of the Internal Revenue Code of 1954, and (2) exempt from income tax under section 501 (a) thereof or not entitled to exemption from income tax under section 501 (a) by reason of the provisions of section 503 or 504 of such Code, relating to prohibited transactions and to accumulations out of income, respectively (or corresponding provisions of prior revenue laws). The date of such determination letter or ruling is \_\_\_\_\_ and such determination letter or ruling has not been withdrawn or revoked.

The undersigned also understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to a fine of not more than \$10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

(Signature)

(Address)

(5) *Evidence required to establish that the musical instrument is purchased for exclusively a religious or educational purpose.* In the absence of circumstances indicating a different use, the exemption certificate procured by the manufacturer from the purchasing religious or nonprofit educational institution will be acceptable as prima facie proof that the musical instrument is purchased for exclusively a religious or educational purpose.

(e) *Exemption certificate not obtained prior to filing of manufacturer's excise tax return.* If the sale is otherwise exempt but the exemption certificate is not obtained prior to the time the manufacturer files a return covering taxes due for the period during which the sale was made, the manufacturer must include the tax on such sale in his return for that period. However, if the certificate is later obtained, a claim for refund of

the tax paid on such sale may be filed on Form 843, or a credit for such amount may be taken upon a subsequent return, as provided by section 6416(b) (2).

#### § 40.4152-2 Other tax-free sales.

For provisions relating to tax-free sales of musical instruments, see—

(a) Section 4220, relating to sales or resales to manufacturers for further manufacture;

(b) Section 4222, relating to sales for use as supplies for certain vessels and airplanes;

(c) Section 4224, relating to articles sold for the exclusive use of a State or local government; and

(d) Section 4225, relating to sales for export;

as applicable to sales made prior to January 1, 1959.

[F.R. Doc. 59-3349; Filed, Apr. 21, 1959; 8:45 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1834]

#### CALIFORNIA

### Revoking in Whole or in Part Executive Orders Which Withdrew Certain Unsurveyed Islands Off Coast of California for Military and Lighthouse Purposes

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of October 25, 1867, so far as it withdrew the following-described unsurveyed islands off the coast of California for military purposes; Executive Order No. 3893 of August 13, 1923, to the extent that it placed the islands under control of the Secretary of the Interior for disposition as provided by the Act of July 5, 1884 (23 Stat. 103); and Executive Order No. 4099 of November 7, 1924, which withdrew the islands under the jurisdiction of the Department of Commerce for lighthouse purposes, are hereby revoked:

SACRAMENTO 056613

The Sisters Island consisting of two islands near Point San Pedro, approximately in Sec. 30, T. 2 N., R. 5 W., M.D.M.

2. The Executive order of November 2, 1876, which withdrew the following-described unsurveyed island off the coast of California for lighthouse purposes is hereby revoked:

SACRAMENTO 056614

Whaler's Island, in San Luis Obispo Bay, approximately in T. 32 S., R. 11 E., M.D.M.

3. The Executive order of May 10, 1867, which withdrew the following-



described-unsurveyed island off the coast of California is hereby revoked:

SACRAMENTO 056615

A small rocky island off Point San Pedro (San Pedro Rock), approximately in Sec. 9, T. 4 S., R. 6 W., M.D.M.

4. Whaler's Island and San Pedro Rock are subject to Executive Order No. 5326 of April 14, 1930, which withdrew all unreserved islands, rocks and pinnacles in the Pacific Ocean off the coast of California for classification and in aid of legislation. None of the islands have been surveyed.

The lands have been open to applications under the Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869) as amended. They are hereby opened to applications for their selections by the State of California under section 2276(c) of the Revised Statutes (43 U.S.C. 852) as amended by section 2 of the Act of August 27, 1958 (72 Stat. 928), and Executive Order No. 5326 of April 14, 1930, is hereby modified to the extent necessary to permit filing of such applications. Except as to prior existing valid settlement rights and preference rights conferred by existing law other than the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282) as amended, or as to equi-

table claims subject to allowance and confirmation, the lands will not be subject to any other disposition under the public land laws until they have been surveyed, and notice of the filing of the official survey has been published in the FEDERAL REGISTER, opening the lands to disposition under the public land laws, conformably to the provisions of the Act of September 27, 1944, supra.

ROGER ERNST,  
Assistant Secretary of the Interior.

APRIL 15, 1959.

[F.R. Doc. 59-3355; Filed, Apr. 21, 1959;  
8:46 a.m.]

## Title 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

#### PART 109—COOK INLET AREA

##### Closed Season, King Crabs

*Basis and purpose.* Field observations in the Cook Inlet area disclose that the moulting of king crabs has progressed to a point where the taking of such crabs,

except by pots, must be suspended throughout the area as quickly as possible to prevent an excessive taking of soft shelled male crabs.

In the circumstances, § 109.74 as published in the FEDERAL REGISTER issue of March 19, 1959 (24 F.R. 2063), is amended to read as follows:

##### § 109.74 Closed season, king crabs.

Fishing for or the taking of king crabs, except by pots, is prohibited throughout the Cook Inlet area from April 22 through June 5, 1959.

Since immediate action is necessary to prevent impairment of the king crab resources of the Cook Inlet area, notice, public procedure, and deferment of the effective date for this amendment are impracticable, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

A. W. ANDERSON,  
Acting Director,  
Bureau of Commercial Fisheries.

APRIL 20, 1959.

[F.R. Doc. 59-3433; Filed, Apr. 20, 1959;  
4:16 p.m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE INTERIOR

#### National Park Service

#### [ 36 CFR Part 20 ]

#### GLACIER NATIONAL PARK

##### Fishing

*Basis and purpose.* Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1952 ed., sec. 1003); authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3); National Park Service Order No. 14 (19 F.R. 8824); and Regional Director, Region Two, Order No. 3 (21 F.R. 1494), it is proposed to amend 36 CFR 20.3 as set forth below. The purpose of this amendment is to improve management of the fishery of Glacier National Park.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C., 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Glacier National Park, West Glacier, Montana, within 30 days of the date of

publication of this notice in the FEDERAL REGISTER.

EDWARD A. HUMMEL,  
Superintendent,  
Glacier National Park.

MARCH 25, 1959.

Section 20.3 is amended as follows:

1. Paragraph (a) is amended to read as follows:

(a) *Fishing; open season.* All waters within the Park are open to fishing in conformance with the State of Montana open season for high mountain streams and shall close at 10:00 p.m. on October 15, subject to the following exceptions and restrictions:

(1) Hours of fishing: 5:00 a.m. to 10:00 p.m.

(2) The open season on the Glacier National Park section of Waterton Lake shall conform to the Canadian season for this lake.

(3) All waters of the Waterton and Belly River drainages, except Waterton Lake, shall be closed to fishing after 10:00 p.m. on October 1.

(4) The open season on the Middle and North Forks of the Flathead River will conform to the Montana season for those waters, except that on the Park side, the season will close October 15.

(5) Midvale and Hidden Creeks are closed to fishing at all times.

(6) Hidden Lake; Logging Creek, from the head of Logging Lake and including Grace Lake; Quartz Creek, between Lower Quartz Lake and Quartz Lake; and Kintla Creek, between Kintla Lake

and Upper Kintla Lake, shall be open to fishing from July 1 to October 15, inclusive.

2. Paragraph (b) is amended to read as follows:

(b) *Fishing; limit of catch and in possession.* (1) The limit of catch per fisherman per day shall be 15 pounds of fish (dressed weight with heads and tails intact) and one fish, not exceeding in the aggregate 10 fish.

(2) Possession of more than one day's catch limit by any person at any time is prohibited.

3. Paragraph (c) is amended to read as follows:

(c) *Fishing; bait; licenses.* (1) Fishing for merchandise or profit is prohibited.

(2) The possession or use for bait, of salmon eggs or other fish spawn, or any imitation thereof, or substance prepared therefrom, is prohibited.

(3) A fishing license is not required to fish in the waters of the Park.

[F.R. Doc. 59-3364; Filed, Apr. 21, 1959;  
8:47 a.m.]

#### [ 36 CFR Part 20 ]

#### OLYMPIC NATIONAL PARK

##### Fishing

*Basis and purpose.* Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, ap-

proved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1952 ed., sec. 1003); authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3); National Park Service Order No. 14, 19 F.R. 8824; Regional Director, Region Four, Order No. 3, 21 F.R. 1495, it is proposed to amend 36 CFR 20.28 as set forth below. The purpose of this amendment is to change the open season date for fishing in certain Park waters to conform to State of Washington regulations; to change the limit of catch in Lake Crescent to encourage the fishing of silver trout which, for management purposes, are insufficiently harvested under the present five fish limit; to close to steelhead trout fishing, for the purpose of maintaining spawning grounds, that portion of the South Fork of the Calawah River which lies within the Park to conform with State closure outside; to combine for the purpose of consistency in arrangement, all paragraphs relating to fishing in one paragraph under the heading (a) *Fishing*, which necessitates redesignating paragraphs (h), (i), (j), and (k) as paragraphs (b), (c), (d), and (e); and to make minor changes in wording for the purpose of perfecting and clarifying the language of the regulations.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Olympic National Park, 600 Park Avenue, Port Angeles, Washington, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 19, 1959.

DANIEL B. BEARD,  
Superintendent,  
Olympic National Park.

Section 20.28 is amended as follows:  
§ 20.28 Olympic National Park.

(a) *Fishing*—(1) *Open season*. The opening date of the season for fishing in Park streams, Lake Mills, Lake Crescent and Irely Lake shall conform to that of the State of Washington for streams and lowland lakes for the adjoining counties of Clallam, Jefferson, Mason and Grays Harbor. The opening date for all other Park Lakes shall be July 4. The closing date for all fishing except for the special steelhead trout fishing season shall be October 31, subject to the following exceptions and restrictions:

(i) The following streams or portions thereof are open to fishing to steelhead trout only, from the opening date of the season for steelhead trout fishing established by the State of Washington for adjoining counties, to February 28, inclusive; all tributaries thereof are closed except otherwise indicated:

Bogachiel River.  
Dosewallips River below falls.  
Queets River below Tshletshy Creek.

Hoh River, including South Fork.  
Quinault River, including North Fork below Wolf Bar Shelter and the East Fork below Graves Creek.

Soleduck River below the North Fork Soleduck.

(ii) Fishing is prohibited from one hour after sunset until sunrise.

(iii) In that part of Olympic National Park known as the Queets Corridor and the Olympic Ocean Strip, and other areas which were added to the Park by proclamation of the President, dated January 6, 1953, (18 F.R. 169), fishing shall be done in conformity with the laws and regulations promulgated by the State of Washington for these areas.

(2) *Closed waters*. The following waters and their tributaries are closed to fishing.

Cat Creek.  
Entire Morse Creek watershed except Lake Angeles and P.J. Lake.

(3) *Size Limit*. Steelhead trout of less than 12 inches in length and fish of any other species less than 6 inches in length, when caught, shall be released by carefully handling with moist hand and returned at once to the water.

(4) *Limit of catch and in possession*. The limit of catch per person per day shall not exceed 10 fish or 10 pounds of fish and one fish, except as otherwise provided.

(i) Between the opening day of the season and February 28 inclusive, the limit of catch of steelhead trout shall not exceed 3 fish per person per day or 6 fish per week, or 24 fish per winter season; less the number of steelhead trout caught by each person in the State of Washington outside Olympic National Park. Each person possessing a State of Washington fishing license shall account for his catch of steelhead trout in the Park in the same manner as required by the State of Washington for fish caught outside the Park.

(ii) The limit of catch per person per day in Lake Crescent shall not exceed 10 fish or 10 pounds and one fish, of which no more than one fish may exceed 18 inches in length.

(iii) Possession of more than one day's catch limit by any one person at any one time is prohibited.

(5) *Bait*. (i) Fishing with any line, gear, or tackle having more than two spinners, spoons, blades, flashers, or like attractions, and with more than one transparent or black rudder, and more than three (3) hooks attached to such line, gear, or tackle, is prohibited.

(ii) The placing or depositing of fish eggs, fish roe, food, or other substances in any Park waters for the purpose of attracting, collecting, or feeding fish, is prohibited.

(6) *Pollution of waters*. The cleaning of fish in Park lakes or streams, or depositing of fish entrails, heads, gills, or other refuse in any Park lake or stream is prohibited.

(7) *License*. A license to fish in Park waters is not required except that a Washington State or County fishing license is required for fishing in Lake Angeles, located in section 15, T. 29 N., R. 6 W., W.M.; and within those portions of

Olympic National Park known as the Queets Corridor and Olympic Ocean Strip, and in sections 1 to 6 inclusive, T. 27 N., R. 11 W., W.M. and in sections 1 to 3 inclusive, T. 27 N., R. 12 W., W.M. which were added to the Park by proclamation of the President dated January 6, 1953 (18 F.R. 169).

Paragraphs (h), (i), (j) and (k) are redesignated paragraphs (b), (c), (d) and (e).

[F.R. Doc. 59-3363; Filed, Apr. 21, 1959; 8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 68]

#### SPLIT PEAS

#### U.S. Standards

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Split Peas (7 CFR 68.501 et seq.) pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.). The amendment as hereinafter set forth would change the special grade Austrian Winter split peas to Winter split peas. This change would permit assigning this special grade to split peas when varieties of winter peas such as Austrian and Romack have been processed by splitting.

It is proposed to amend the United States Standards for Split Peas as follows:

Amend paragraph (c) (1) of § 68.503 to read:

(1) *Winter split peas*—(i) *Requirements*. Winter split peas shall be split peas processed from peas of the Austrian Winter, Romack, and other varieties of winter peas of similar seed characteristics, appearance, and color.

(ii) *Grade designation*. Winter split peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such split peas, and there shall be added to and made a part of the grade designation the word "Winter."

Interested persons may submit written data, views, or arguments to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., to be received by him not later than thirty days after this notice has been published in the FEDERAL REGISTER. Consideration will be given to all written data presented to the Director and to all other information available in the United States Department of Agriculture in arriving at a decision with respect to this proposed amendment to the split pea standards.

Done at Washington, D.C., this 17th day of April 1959.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator,  
Agricultural Marketing Service.

[F.R. Doc. 59-3394; Filed, Apr. 21, 1959; 8:50 a.m.]

## [ 7 CFR Part 953 ]

LEMONS GROWN IN CALIFORNIA  
AND ARIZONA

## Notice of Proposed Rule Making

Notice is hereby given that the Department is considering approval of the proposed revision, hereinafter set forth, of the rules and regulations (Subpart—Lemon Administrative Committee Rules and Regulations; 7 CFR 953.100 et seq.) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in Arizona and California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The revision of the said rules and regulations was proposed by the Lemon Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof and is as follows:

## Subpart—Lemon Administrative Committee Rules and Regulations

## DEFINITIONS

## § 953.100 General.

Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order (§§ 953.1 to 953.92).

## § 953.101 Marketing agreement.

"Marketing agreement" means Marketing Agreement No. 94, as amended, regulating the handling of lemons grown in California and Arizona.

## § 953.102 Order.

"Order" means Order No. 53, as amended (§§ 953.1 to 953.92) regulating the handling of lemons grown in California and Arizona.

## § 953.103 Crop year.

"Crop year" means (a) with respect to District 1, the period October 1 through the following April 30, and (b) with respect to District 3 the period September 1 through January 31.

## STORAGE AWAY FROM PACKINGHOUSE

## § 953.107 Transportation of lemons to storage within the production area.

Any handler who stores lemons within the production area other than on the premises where the lemons were packed shall notify the committee in writing on LAC Form 8 of the transportation of such lemons to such storage. Such report shall show the location and name of the storage facility, and the quantity of lemons transported to such storage. Whenever any such stored lemons are thereafter handled, the LAC Form 8 for the week in which the handling occurred shall show each quantity and date of shipment from the storage facilities.

## COMMUNICATIONS

## § 953.110 Communications.

Unless otherwise prescribed in this subpart, or in the marketing agreement and order, or required by the Lemon Administrative Committee, all reports, applications, requests and communications in connection with the marketing agreement and order shall be submitted to:

Lemon Administrative Committee, 111 West Seventh Street, Los Angeles 14, Calif.

## NOMINATION PROCEDURE

## § 953.115 Time of nomination.

The time of nominating members and alternate members of the Lemon Administrative Committee shall be not later than 20 days preceding the date of expiration of the terms of office of the members and alternate members of the committee.

## § 953.116 Manner of nomination.

The manner of nominating members and alternate members of the committee shall be as follows:

(a) Sunkist Growers, Inc., a California non-profit cooperative marketing association with its principal place of business at Los Angeles, California, so long as it continues to market more than 60 percent of the total volume of lemons marketed as provided in the marketing agreement and order, shall by resolution adopted by its board of directors, nominate 4 grower members and 4 alternate grower members of the committee, and 2 handler members and 2 alternate handler members of the committee.

(b) Each cooperative marketing organization, other than the one described in paragraph (a) of this section, shall nominate by resolution adopted by its board of directors 2 grower members and 2 alternate grower members of the committee, and 1 handler member and 1 alternate handler member of the committee. Each nominee shall be assigned a vote equal to the volume (in terms of cartons) of lemons which the organization making the nomination handled during the current fiscal year to the end of the month preceding the month in which such nominations are made. The nominated members and alternate members so receiving the largest total votes shall be the respective nominees for the particular positions.

(c) Not less than 5 meetings shall be held, at such times and places throughout the lemon producing districts of the production area as may be designated by the agent of the Secretary, at which growers who are not affiliated with any of the organizations included in paragraphs (a) and (b) of this section may vote. Adequate notice of each such meeting shall be given by such agent. At each such meeting the growers present shall nominate 2 grower members, 2 alternate grower members, 1 handler member, and 1 alternate handler member. Each grower voting at any such meeting shall submit his name and address to the agent of the Secretary. The nominated members and alternate members receiving the highest total number

of votes cast at all meetings for the respective positions in the final balloting of each of such meetings shall be the nominees for such positions.

## VOLUME REGULATION

## § 953.153 Prorate bases and allotments.

(a) *Application.* Each handler who has lemons available for current shipment and who desires to handle such lemons shall submit to the Lemon Administrative Committee, at such time as the committee designates, an application on LAC Form 101 for a prorate base and allotment. Each such application shall contain the following information:

(1) Name and address of applicant.

(2) Net cubical content of each box or other container used by the applicant for the picking of lemons.

(3) The net cubical content of each box or other container used by the applicant for the assembling or storage of lemons.

(4) The estimated production of lemons for the current season which the applicant owns or controls, and the total acreage of such lemons, including the number of trees.

(5) Location of each of the applicant's packinghouses and such other receiving points, as may be approved by the committee, to which the lemons are to be delivered to the applicant. With respect to lemons grown in District 1 or District 3, the handler shall submit with the application a list of all growers whose lemons the applicant controls, showing for each grower his name and address, and the location, number of trees, acreage, and estimated production in terms of cartons of each grove or portion thereof involved.

(b) *Computation of lemons available for current shipment in Districts 1 and 3.* The computation, by the committee, of the tree crop to be used during a particular crop year in District 1 or 3 shall be based, for the particular district, upon the lemon production data in each handler's application for a prorate base and allotment (LAC Form 101) and upon field checks made by the committee of the groves in which the lemons controlled by each such handler are grown. Control of lemons shall be determined as provided in §§ 953.53(c) and 953.153(d). Each such computation shall cover only the lemons produced during such crop year.

(c) *Computation of lemons available for current shipment in District 2.* Each computation, by the committee, of lemons available for current shipment in District 2 shall be based upon the total quantity of lemons grown and delivered in such district to each handler during the preceding 20-week period. Once any such lemons have been included in the computation of a handler's lemons available for current shipment, such lemons shall thereafter not be included in any computation of any other handler's lemons available for current shipment.

(1) *Determination by the committee of lemons delivered.* On Monday of each week, each handler in District 2 who has filed an application for a prorate base

and allotment (LAC Form 101), shall make available to the committee through its designated employees a record of all lemons delivered to the applicant's packinghouse and approved receiving points during the preceding 7-day period ending at 12:01 a.m., Sunday.

(2) *Access to records and premises of handlers.* The committee, through its designated employees, shall have access at all reasonable hours to the records and premises of each handler in District 2 who has filed an application for a prorated base and allotment for the purpose of determining the accuracy of the records made available to the committee. Such records shall include, but not be limited to, individual grower tickets covering lemons delivered at the receiving door of the packinghouse or approved receiving points, the wash records, the record of lemons in storage, and the record of lemons handled for conversion into byproducts, and otherwise disposed of.

(3) *Determination of carloads of lemons delivered during a 20-week period.* The carloads of lemons delivered to any handler during any 20-week period shall be determined by application of the appropriate field box conversion factor to the total number of field boxes of lemons delivered to such handler during each week of the 20-week period. The appropriate field box conversion factor shall be computed pursuant to paragraph (c) (4) of this section.

(4) *Conversion factors—(i) Field box conversion factor.* The appropriate field box conversion factor that shall be applied each week of the initial 20-week period for a particular handler shall be computed by dividing the total number of field boxes of lemons delivered to such handler during such period by the total number of carloads of lemons delivered to such handler as determined by adding to the detailed inventory of lemons on hand on the date ending such period, the total number of carloads of lemons shipped in fresh fruit channels, handled for conversion into byproducts, and otherwise disposed of (except decayed lemons dumped) during such period and subtracting therefrom the detailed inventory of lemons on hand at the beginning of such period. Such computed field box conversion factor shall be the field box conversion factor to be applied each week thereafter until another detailed inventory of such handler's lemons is taken. At least once each 4 weeks, the committee's designated employees shall take a detailed inventory of the lemons each handler has on hand in his packinghouse, in approved storage, and at approved receiving points, and the committee shall compute the particular field box conversion factor that shall be applied each week of the inventory period following such detailed inventory, an inventory period being comprised of the number of weeks between two successive detailed inventories. Such factor shall be computed by dividing the total number of field boxes of lemons delivered to such handler during the immediately preceding inventory period by the number of carloads of lemons delivered to such handler during such period as determined

by adding to the last detailed inventory of lemons on hand, the total number of carloads of lemons shipped in fresh fruit channels, handled for conversion into byproducts and otherwise disposed of (except decayed lemons dumped) during the same period, and subtracting therefrom the detailed inventory of lemons on hand at the beginning of such period. If the field box conversion factor so computed differs from the factor applied during the previous inventory period, the respective quantities of lemons delivered each week of such previous inventory period shall be adjusted to reflect such difference.

(ii) *Storage box.* In computing the quantity of lemons in terms of carloads, that a handler has on hand, the standard storage box having a capacity of 3,242 cubic inches and containing not less than 50 pounds net weight of lemons shall be converted to cartons of lemons on the basis that one such box equals 1.316 cartons of lemons. If the lemons are in boxes other than the standard storage box, the committee shall compute for such handler an appropriate storage box conversion factor based on the net weight of the lemons in the boxes. If at any time the committee determines that such storage or other boxes do not contain the requisite net weight of lemons, appropriate adjustments shall be made by the committee in such handler's storage box conversion factors to compensate for such difference.

(5) *Adjustment for substantial variation between two successive field box conversion factors.* If the field box conversion factor computed for any handler differs by more than 5 percent from the field box conversion factor applied to the lemons of such handler during the preceding inventory period, such handler's lemons available for current shipment shall be increased or decreased in the manner prescribed in paragraph (f) (1) of this section to the extent necessary to effect the required adjustment in such handler's prorated base.

(d) *Control of lemons in Districts 1 and 3.* In order to control lemons within the meaning of § 953.53(c), the applicant must have executed the requisite bona fide written agreement with a grower, which shall contain all of the basic requirements of a legal contract, including, but not being limited to, the requirements of this paragraph:

(1) The agreement shall be supported by legal consideration, such as mutual promises, which may be enforced by either party in an action at law.

(2) The agreement shall be certain as to its parties, the quantity of lemons involved, and the amount the applicant is to pay for the fruit. The agreement will be considered sufficiently definite (i) as to the quantity of fruit if it specifies all of the lemons of a described acreage, and (ii) as to the amount to be paid for the fruit if it specifies a definite amount, or a definite method of determining the amount, to be paid.

(3) The agreement shall have been entered into by both parties in good faith. The purpose of the agreement must be to give absolute control of the lemons to the applicant; and any such agree-

ment which (i) has as its primary purpose the giving of a prorated base and allotment to the applicant, or (ii) is subject to some other written or oral agreement or understanding altering its terms, or (iii) is subject to an oral or written agreement or understanding that neither of the parties will enforce the agreement, or (iv) contains a statement which permits termination thereof without legal liability will be considered evidence of lack of good faith.

(4) The agreement shall give the applicant control of the lemons for such period of time as may be necessary to handle the lemons.

(e) *Loss of control of lemons.* If a handler loses control of lemons and has handled a quantity thereof less than the quantity that could have been handled under allotments issued thereon, such handler's lemons available for current shipment shall be adjusted by deducting therefrom a quantity of lemons equivalent to the quantity upon which allotments were issued, but which were not used thereon. The quantity so determined shall be deducted during a period of 3 consecutive weeks in District 1 and 2 consecutive weeks in District 3 (or during the remainder of the applicable crop year for a particular district if of shorter duration than the period designated for such district): *Provided*, That, insofar as practicable, such deduction for any week shall not exceed the amount which would decrease by one-half the allotment that otherwise would be issued to such person for such week in the absence of such deduction, and, if necessary to effect this requirement, the applicable period specified in this paragraph for making such deductions may be extended.

(f) *Adjustment of prorated bases.* (1) The prorated bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of three consecutive weeks in Districts 1 and 2, and during two consecutive weeks in District 3 (or during the remainder of the applicable crop year for Districts 1 and 3, or the remainder of the season for District 2, if of shorter duration than the period designated for the particular district): *Provided*, That, insofar as practicable, any required deduction for any weekly period shall not exceed the amount which would decrease by one-half the allotment that otherwise could be issued to such handler for such weekly period in absence of such deduction, and, if necessary to effect this requirement, the applicable period specified in this paragraph for making such deduction may be extended.

(2) When a handler in District 1 or 3 has moved all of the lemons under his control in such district and has received allotment sufficient to repay all loans of allotment received by him under the provisions of § 953.59, such handler shall receive no further allotment, unless, during the same crop year, he subsequently gains control of lemons, in the same district, which he desires to handle, and promptly submits a report thereon to the committee.

## ALLOTMENT LOANS

## § 953.159 Allotment loans.

(a) *Payback of loans.* Each loan agreement entered into by handlers pursuant to § 953.59 must provide for repayment within one year of the date of the loan. Allotment loans shall be deemed repaid if such loans fall due in a week during which there is no limitation on lemon shipments in effect pursuant to § 953.52, for the particular district.

## SIZE REGULATION

## § 953.165 Exemption from size regulations.

(a) *Application to be filed.* Each grower who desires to be exempted, pursuant to § 953.67, from the provisions of any size regulation established by the Secretary may file with the committee an application for one or more exemption certificates on LAC Form 200. Such application must, unless otherwise provided pursuant to paragraph (b) of this section, be furnished to the committee not later than the Friday preceding the week during which the grower desires the committee to take action thereon, and shall contain the following information: (1) Name and address of the applicant; (2) location of the lemons which the grower wishes covered by the exemption certificates; (3) the estimated sizes of the lemons contained in the applicant's groves and percentages of the respective sizes; (4) the size tests or other facts upon which such estimates are based showing, with respect to the size tests, the number of lemons per tree tested and the total number of lemons tested per acre; (5) the quantity of lemons (in terms of cartons) which the applicant estimates will be needed to be exempted from size regulation to permit the applicant to handle, or have handled, a percentage of his lemons equal to the average percentage that may be handled on behalf of all growers in the same prorate district, as provided in § 953.67; and (6) the name of each packinghouse through which the applicant's lemons are to be handled.

(b) *Final dates for filing applications.* The committee may provide final dates for the filing of applications for exemptions from size regulations in each prorate district. Two weeks' notice shall be given to growers and handlers of the final date prescribed for each district.

(c) *Investigation by Field Department.* The committee shall refer such application to its Field Department for investigation. The Field Department shall make such checks as it determines are necessary to establish the accuracy of the information submitted in the application and the need of the applicant for an exemption certificate. The report of the Field Department shall be submitted to the committee for its consideration in connection with the issuance of an exemption certificate. If the committee determines that the information furnished by the applicant is inadequate, it may require the applicant to submit additional information, including additional size tests.

(d) *Determination by committee.* Based upon all available information,

the committee may authorize the manager of the committee to issue exemption certificates on LAC Form 201 to the applicant which will permit the applicant to have as large a proportion of his lemons handled as the average proportion of lemons that will be handled on behalf of all growers in the same prorate district. The initial exemption certificate issued pursuant to this section to any applicant may provide for exemption of not more than 75 percent of the applicant's estimated needs, and subsequent exemption certificates shall thereafter be issued to the extent required by the provisions of § 953.67.

(e) *Exemption certificate.* Upon authorization of the committee, the manager shall issue to growers who have applied therefor exemption certificates which shall contain the following information: (1) Name and address of grower-applicant to whom issued; (2) location of grove or groves; (3) the respective quantities of lemons of each size permitted to be handled without regard to the existing size regulation; and (4) the period covered by the exemption certificate. The exemption certificate shall be issued in quadruplicate, one copy to be retained by the committee and three copies to be issued to the grower. The grower shall endorse and deliver two copies to the handler who is to handle such lemons. Immediately upon shipping such lemons the handler shall sign and mail, or otherwise deliver, to the committee one copy of such certificate. An exemption certificate may be used only for the handling of lemons covered by the certificate. As required by § 953.67, all handling of such lemons shall be subject to, and limited by, allotment when volume regulation is in effect.

## REPORTS

## § 953.170 Reports.

(a) Handlers shall submit to the Lemon Administrative Committee all required reports, including those prescribed in this section. Copies of report forms may be obtained from the committee. Unless otherwise specified in the particular report form, information with respect to volume of lemons shall be reported in terms of cartons. For shipments of lemons other than in cartons, the volume of such lemons shall be converted to cartons on the basis of 38 pounds net weight per carton: *Provided*, That the following equivalents may be used:

(1) One box of fresh loose lemons (market pack) equals 1.6 cartons of lemons.

(2) One storage box or box of by-product lemons equals 1.316 cartons of lemons.

(b) *Lemon Diversion Report (LAC Form 5).* Each Lemon Diversion Report submitted shall set forth the name and address of the approved byproducts' manufacturer, charitable institution, relief agency, or other diversion outlet to which the lemons were shipped; the number of loose gross boxes of such lemons; total net weight of such lemons; and certification by the handler and the receiver of such lemons as to the accuracy of the information contained in the

report. This report shall be submitted within five days following any such shipment.

(c) *Certificate of assignment of allotment (LAC Form 6).* The certificate of assignment of allotment as provided for in § 953.63 shall be issued by the handler who first handles the lemons requiring allotment and which are to move by truck. The certificate shall be issued at the time of sale or transfer of such lemons. Each such certificate shall cover the total quantity of such lemons and shall contain the following information: Date lemons are actually shipped; handler's invoice number when and if available; name of consignee (purchaser or receiver); destination (address of consignee); truck driver's name, address, and signature; date and time of loading; and number of cartons of such lemons. Each such certificate shall be signed by the handler, or his authorized agent, and shall contain in addition to the address of the handler issuing it a certification to the United States Department of Agriculture and the Lemon Administrative Committee that the handler is authorized under the provisions of the marketing agreement and this part to handle the lemons shown on such certificate.

(d) *Weekly report (LAC Form 8).* The weekly report required of each handler by § 953.70 shall be submitted to the Lemon Administrative Committee on or before 12:01 a.m., P.s.t., Monday of each week, and shall be signed and set forth the total number of field boxes of lemons received and contain the following information and certification with respect to the transportation of lemons to storage in the production area and all shipments of lemons during the preceding week:

(1) The total volume of movement in interstate commerce and intrastate commerce of fresh lemons subject to allotment; volume exported other than to Canada; volume handled for conversion into byproducts; and volume shipped for distribution by relief agencies or for consumption by charitable institutions.

(2) Detailed information concerning each shipment of lemons exported other than to Canada showing the number of cartons and identification of the carrier (railroad car number, if any, the name of the steamship, if known, or the Mexico export certificate (LAC Form 11) number if exported to Mexico); and

(3) The location of any lemons stored within the production area (other than on the premises where packed), the name of the warehouse or storage facility in which stored, the respective quantities of lemons transported to such facilities and so stored, and the date and quantity of each shipment of lemons from such storage.

(4) This report shall be signed by the handler submitting it, or his authorized agent, and shall be certified to the United States Department of Agriculture and the Lemon Administrative Committee as to the truthfulness of the information shown thereon.

(e) *Manifest report.* Within twenty-four hours after shipment of lemons is made to points within the United States,



Alaska, or Canada, the handler thereof shall furnish to the committee a manifest report on LAC Form 203 of the lemons shipped. Such report shall show the rail car number (if shipment is by rail) or the number of the Certificate of Assignment of Allotment (LAC Form 6) issued for each such shipment, together with the number of cartons (or carton equivalents) of each size of lemons shipped. If the shipment was made under a size exemption certificate (LAC Form 201), the certificate number shall also be shown. Each such manifest report shall be certified by the handler to the United States Department of Agriculture and to the Lemon Administrative Committee as to the correctness of the information shown thereon.

#### LEMONS NOT SUBJECT TO REGULATION

§ 953.180 Lemons not subject to regulation.

(a) *Byproduct lemons.* No handler shall handle lemons for conversion into byproducts unless (1) such lemons have been handled under allotment; (2) prior to such handling the handler notifies the committee on LAC Form 5 of such proposed handling; or (3) such lemons are shipped to an approved byproducts manufacturer.

(b) *Approved byproducts manufacturer.* Any person who desires to buy, as an approved byproducts manufacturer, lemons for conversion into byproducts shall file with the committee a signed application therefor on LAC Form 104, which shall contain the following information: (1) Name and address of applicant; (2) proposed types of products to be made or derived from lemons; (3) a statement that the lemons obtained for conversion into byproducts will be used for that purpose only and will not be resold, disposed of, or in any other way handled in fresh fruit channels; and (4) an agreement to submit such reports as may be required by the committee. The application shall contain a statement that failure to submit the reports required by (4) of this paragraph will cause the removal of such person's name from the list of approved byproduct manufacturers. The application shall be signed by the applicant or his authorized agent. Upon the filing of the application, it will be referred to the committee's Compliance Department for investigation. When completed, the report of the investigation shall be given to the committee; and, based thereon and upon other available information, the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved, the name of the applicant shall be placed on the list of approved byproduct manufacturers.

(c) *Lemons for export.*—(1) *To Mexico.* With respect to all shipments of lemons to Mexico, the handler shall obtain from the purchaser, at time of delivery of such lemons, a certification on LAC Form 11, to the United States Department of Agriculture and the Lemon Administrative Committee that such lemons are to be exported directly to Mexico and will not re-enter the United

States or be re-shipped to Canada. Such certificate (LAC Form 11) shall state the date of shipment, the quantity of lemons included in such shipment, the truck license number or other identification of the carrier of such lemons, and the signature and address of the purchaser. The certificate shall also be signed by the handler or his authorized representative and shall be submitted to the committee with the handler's next weekly report.

(2) *Armed Forces for export.* With respect to all sales of lemons to the Armed Forces for export, the handler shall complete LAC Form 12, "Certificate of Sale of Lemons for Export to the Armed Forces", showing date of shipment, the quantity of lemons included in such shipment, their destination or port of departure, and the purchase order number. Such certificate shall be signed by the handler or his authorized representative and shall be submitted to the committee with the handler's next weekly report.

(3) *Other shipments in export.* Except on shipments of lemons to Mexico or to the Armed Forces, each handler shall submit to the committee, as soon as possible after each shipment of lemons in export, a copy of the "on-board" bill of lading, or other shipping document acceptable to the committee covering such shipment.

(d) *Minimum quantities and types of shipments.* (1) Any grower who is unable to market lemons produced by him because of the quantity involved or the location of his grove, or because he is unable to find a handler who is willing to market his lemons may file with the committee an application for exemption from regulation. Such application shall contain the following information: (i) Name and address of applicant; (ii) location of grove or lemon trees; (iii) the number of lemon trees for the lemons of which an exemption is requested; (iv) the name and address of the packinghouse nearest to such grove or trees; (v) a statement of the efforts the applicant has made to find a handler willing to accept his lemons; (vi) the outlet or outlets in which he intends to market his lemons if an exemption from regulation is granted; (vii) the estimated quantity of lemons that will be marketed during the season if exemption is granted. Such application shall be submitted by the committee to its Compliance Department for investigation, and upon receipt of the report of investigation shall determine if an exemption should be granted. Applicant shall be notified in writing by the committee of its determination.

(2) Any person who markets or distributes lemons in containers different than those used in regular commercial practice, such as in gift packages, or in types of shipments not customarily made by lemon handlers may file an application with the committee for exemption from regulation for such shipments. Such application shall contain the following information: (i) Name and address of applicant; (ii) the type of shipment or container for which exemption is requested; (iii) the estimated volume of lemons to be handled in such type of shipments during a marketing

season; (iv) the outlets to which such shipments are to be made; and (v) a statement of applicant's reasons why such shipments should be exempted from regulation. Such application shall be submitted to the committee's Compliance Department for investigation and upon receipt of the investigation report the committee shall determine if an exemption should be granted to the applicant. Applicant shall be notified in writing of the committee's determination.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D.C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Dated: April 17, 1959.

[SEAL] FLOYD F. HEDLUND,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-3395; Filed, Apr. 21, 1959; 8:50 a.m.]

#### [7 CFR Part 1065]

#### IMPORTS OF TOMATOES

#### Notice of Proposed Determination and Amendment to Regulations

Notice is hereby given that the Secretary of Agriculture is considering making a determination that the importation of tomatoes into the United States is in most direct competition with tomatoes produced in the counties of Cameron, Hidalgo, Starr, and Willacy, in the Lower Rio Grande Valley in Texas, and is also considering the amendment of § 1065.4, Tomato Regulation No. 4 (23 F.R. 8115), applicable to the importation of tomatoes into the United States pursuant to the requirements of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U.S.C. 601 et seq) and the applicable general regulations (7 CFR Part 1060).

The amendment under consideration will apply to all imports of tomatoes on the same basis as regulations proposed to be imposed upon handlers of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in the Lower Rio Grande Valley in Texas pursuant to regulations to be issued under Marketing Order No. 121 (§ 1021.301; 24 F.R. 2960). (Sec. 401(e), 68 Stat. 907, 1047; 7 U.S.C. 608e)

Consideration will be given to any data, views, or arguments pertaining to the proposed determination and amendment which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 5 days following publication of this notice in the FEDERAL REGISTER. The proposed amendment is as follows:

In § 1065.4, *Tomato Regulation No. 4* (23 F.R. 8115), delete paragraphs (b)

and (f) and substitute therefor new paragraphs (b) and (f) as set forth below.

**§ 1065.4 Tomato Regulation No. 4.**

(b) *Import restrictions.* During the period from May 4, 1959, to July 4, 1959, both dates inclusive, and subject to the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section no person shall import any tomatoes of any variety, except elongated types commonly referred to as pear shaped or paste tomatoes and including, but not limited to San Marzano, Red Top, and Roma Varieties; and cera-

siform type tomatoes, commonly referred to as cherry tomatoes, unless such tomatoes meet the requirements of the U.S. No. 2, or better, grade and are  $2\frac{1}{32}$  inches minimum diameter or larger: *Provided*, That not more than ten (10) percent, by count, of the tomatoes in any lot of 7 x 7 ( $2\frac{1}{32}$  inches minimum diameter to  $2\frac{9}{32}$  inches maximum diameter) may be smaller than the specified minimum diameter.

(f) *Definitions.* (1) The term "U.S. No. 2" means the U.S. No. 2 grade, as set forth in the United States Standards for Tomatoes (§§ 51.1855 to 51.1877, inclu-

sive, of this title; 22 F.R. 4528), including the tolerances set forth therein.

(2) All other terms have the same meaning as when used in the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608(c). Interprets or applies Sec. 401(e), 68 Stat. 906, 1047; 7 U.S.C. 608e)

Dated: April 17, 1959.

[SEAL] FLOYD F. HEDLUND,  
*Acting Director,*  
*Fruit and Vegetable Division.*

[F.R. Doc. 59-3393; Filed, Apr. 21, 1959; 8:50 a.m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Order 615, Amdt. 4]

#### CONTRACTS AND LEASES

##### Delegation of Authority

APRIL 16, 1959.

The footnote to Bureau Order No. 615 dated June 12, 1956 and amended October 22, 1956, is hereby revoked.

EDWARD WOZZLEY,  
*Director.*

[F.R. Doc. 59-3356; Filed, Apr. 21, 1959; 8:46 a.m.]

[No. 59-12]

#### OREGON

#### Notice of Proposed Withdrawal and Reservation of Lands

APRIL 10, 1959.

The Assistant Secretary, United States Department of Agriculture, has filed an application, Serial No. Oregon 06373, for the withdrawal of the lands described below, subject to valid existing rights, from appropriation under the general mining laws but excepting leasing under the mineral leasing laws.

The applicant desires the land for development by the United States Forest Service as a public campground to be used for recreational purposes in the Rogue River National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 809 NE Sixth Avenue, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A

separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

ROGUE RIVER NATIONAL FOREST

T. 40 S., R. 5 W.,

Sec. 34: E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Approximately 190 acres.

VIRGIL T. HEATH,  
*State Supervisor.*

[F.R. Doc. 59-3357; Filed, Apr. 21, 1959; 8:46 a.m.]

#### MONTANA

#### Notice of Proposed Withdrawal and Reservation of Lands

APRIL 14, 1959.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial Number M-031196 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, except for those applications which are permitted on Reclamation withdrawn lands. The mineral estate will be administered by the Bureau of Indian Affairs, Act of August 14, 1958 (72 Stat. 575). The applicant desires the land for administration and sale in connection with the Huntley Irrigation Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 3 N., R. 29 E.,  
Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 3 N., R. 30 E.,  
Sec. 30, S $\frac{1}{2}$ SE $\frac{1}{4}$ .

The above areas aggregate 200 acres.

R. D. NIELSON,  
*State Supervisor.*

[F.R. Doc. 59-3358; Filed, Apr. 21, 1959; 8:46 a.m.]

#### COLORADO

#### Notice of Proposed Withdrawal and Reservation of Lands

APRIL 13, 1959.

The United States Fish and Wildlife Service of the Department of the Interior has filed an application, Serial No. Colorado 014355, for withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, subject to existing valid claims. Administration of the grazing resources will continue in the Bureau of Land Management.

The applicant desires the use of these lands for wildlife management in connection with the Hot Sulphur Winter Deer-Elk Range.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the

## NOTICES

FEDERAL REGISTER. A separate notice will be sent to each interested party of record. The lands involved in the application are:

## SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 79 W.,  
Sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 14, All;  
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$   
and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$ .

The area described aggregates 1400 acres.

J. ELLIOTT HALL,  
Lands and Minerals Officer.

[F.R. Doc. 59-3359; Filed, Apr. 21, 1959;  
8:46 a.m.]

## COLORADO

Notice of Proposed Withdrawal and  
Reservation of Lands

APRIL 14, 1959.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 027679, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use for campgrounds in Rio Grande National Forest.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections, in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

## NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

## RIO GRANDE NATIONAL FOREST

## Aspen Glade Campground

T. 33 N., R. 6 E.,  
Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

## Conejos Campground

T. 34 N., R. 5 E.,  
Sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$   
and N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

## Spectacle Lake Campground

T. 34 N., R. 5 E.,  
Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

## Lake Fork Campground

T. 35 N., R. 4 $\frac{1}{2}$  E.,  
Sec. 1, lots 4, 5, 12 and 13.

## Alamosa Campground

T. 36 N., R. 6 E.,  
Sec. 7, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, lot 1 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

## Platoro Campground

T. 36 N., R. 4 E.,  
Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$   
NE $\frac{1}{4}$ .

## Rock Creek Campground

T. 37 N., R. 6 E.,  
Sec. 8, lot 2 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  and  
W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

## Comstock Campground

T. 37 N., R. 6 E.,  
Sec. 18, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

## Big Springs Campground

T. 44 N., R. 6 E.,  
Sec. 18, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The above areas aggregate 632.70 acres.

J. ELLIOTT HALL,  
Lands and Minerals Officer.

[F.R. Doc. 59-3361; Filed, Apr. 21, 1959;  
8:46 a.m.]

## ALASKA

## Protraction Diagram Notice

APRIL 15, 1959.

Notice is hereby given that the following protraction diagrams have been placed of record in the files of the Anchorage Land Office, 334 E. 5th Ave., Anchorage, Alaska and are available for public inspection from 10:00 a.m. to 3:00 p.m. weekdays, except holidays.

This publication does not constitute the official filing of these diagrams, and they may not be used as the basis for description of oil and gas lease offers until regulations are issued by the Secretary of the Interior providing for protraction diagram land descriptions. The diagrams may, however be presently used as a guide for metes and bounds descriptions as presently required by 43 CFR 192.42(d).

## Alaska Protraction Diagrams:

Sheet S 13-2, Ts. 13 to 16 N., Rs. 5 to 8 W., Seward Meridian.

Sheet S 13-3, Ts. 13 to 16 N., Rs. 9 to 12 W., Seward Meridian.

Sheet S 13-4, Ts. 13 to 16 N., Rs. 13 to 16 W., Seward Meridian.

Sheet S 13-5, Ts. 9 to 12 N., Rs. 13 to 16 W., Seward Meridian.

Copies of these diagrams are for sale by the Cadastral Engineering Office, Bureau of Land Management, mailing address 334 East Fifth Avenue, Anchorage, Alaska.

L. T. MAIN,  
Operations Supervisor, Anchorage.

[F.R. Doc. 59-3360; Filed, Apr. 21, 1959;  
8:46 a.m.]

[Eastern States Office Order 8]

## ARKANSAS

## Notice of Closing of Russellville Office

APRIL 16, 1959.

Pursuant to the authority contained in Bureau Order No. 541, as amended, and subject to the limitations contained therein, it is hereby ordered as follows:

1. The District Office, Russellville, Arkansas, heretofore responsible for the management and disposal programs of the Bureau in the States of Alabama, Arkansas, Florida, Louisiana and Mississippi, shall be discontinued and the business and necessary archives of that office shall be transferred to the Bureau of Land Management Office at New Orleans, Louisiana.

2. This order shall become effective at the close of business on May 1, 1959.

L. T. HOFFMAN,  
Supervisor,  
Eastern States Office.

Approved:

EDWARD WOOZLEY,  
Director, Bureau of Land  
Management.

[F.R. Doc. 59-3362; Filed, Apr. 21, 1959;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

[P. & S. Docket No. 298]

## ST. JOSEPH STOCK YARDS CO.

Notice of Petition for Modification of  
Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on January 29, 1958 (17 A.D. 11), continuing in effect to and including March 1, 1960, an order issued on April 26, 1957 (16 A.D. 340), authorizing the respondent, St. Joseph Stock Yards Company, South St. Joseph, Missouri, to assess the current temporary schedule of rates and charges.

By a petition filed on April 6, 1959, the respondent requested authority to modify the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including May 1, 1961.

## YARDAGE CHARGES

	Present rate per head	Proposed rate per head
Salable receipts (including all live- stock reweighed or resold by market agencies):		
Cattle and calves over 400 pounds (except bulls 700 pounds or over).....	\$0.85	\$0.95
Bulls (minimum 700 pounds)....	1.35	1.50
Cattle and calves 400 pounds or under.....	.50	.55
Hogs.....	.28	.30
Sheep and goats.....	.19	.21
Horses and mules.....	.85	.95
Direct to packers:		
Cattle and calves over 400 pounds (except bulls 700 pounds or over).....	.43	.48
Bulls (minimum 700 pounds)....	.68	.75
Cattle and calves 400 pounds or under.....	.25	.28
Hogs.....	.14	.15
Sheep and goats.....	.10	.11
Resales or reweighs, except plants, for local delivery:		
Cattle.....	.30	.32
Calves.....	.17	.18
Resales or reweighs, except plants, for shipment off the market:		
Cattle.....	.14	.16

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 16th day of April 1959.

[SEAL] JOHN C. PIERCE,  
*Acting Director, Livestock Division, Agricultural Marketing Service.*

[F.R. Doc. 59-3373; Filed, Apr. 21, 1959; 8:48 a.m.]

## DEPARTMENT OF COMMERCE

Office of the Secretary

HAROLD LARSEN

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of April 10, 1959.

HAROLD LARSEN.

APRIL 11, 1959.

[F.R. Doc. 59-3384; Filed, Apr. 21, 1959; 8:49 a.m.]

WILLIAM M. FIRSHING

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

#### A. Deletions:

Coastal Caribbean Oils, Inc.,<sup>1</sup> % Catawba Corporation, 103 East 37th Street, New York 16, N.Y.

U.S. Pipe & Foundry Co., 3300 First Avenue, North Birmingham 2, Ala.

Safeway Stores, Inc., 4th and Jackson Streets, Oakland 4, Calif.

<sup>1</sup> These interests were inadvertently omitted from "Deletions" in statement dated 10-6-57.

El Paso Natural Gas Company,<sup>2</sup> El Paso Natural Gas Building, El Paso, Tex.

Technicolor, Inc.,<sup>1</sup> 15 Broad Street, New York 5, N.Y.

Virginian Railway Co., Terminal Building, Norfolk, Va.

American News Company,<sup>2</sup> 929 Connecticut Avenue, Bridgeport 2, Conn.

Pyramid Electric,<sup>2</sup> Darlington, S.C.

#### B. Additions:

American News Company,<sup>2</sup> 929 Connecticut Avenue, Bridgeport 2, Conn.

Pyramid Electric,<sup>2</sup> Darlington, S.C.

National Distillers & Chemical Co., 99 Park Avenue, New York 16, N.Y.

El Paso Natural Gas Company,<sup>2</sup> El Paso Natural Gas Building, El Paso, Tex.

Aluminium, Ltd., 1155 Metcalfe Street, Montreal, Canada.

British Columbia Forest Products, 995 W 6 Avenue, Vancouver 9, British Columbia.

This statement is made as of April 6, 1959.

WILLIAM M. FIRSHING.

APRIL 8, 1959.

[F.R. Doc. 59-3385; Filed, Apr. 21, 1959; 8:49 a.m.]

## DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

### LUGGAGE LOCKS FROM WEST GERMANY

#### Determination of No Sales at Less Than Fair Value

APRIL 15, 1959.

A complaint was received that luggage locks from West Germany were being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that luggage locks from West Germany are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* In the case of all manufacturers considered, purchase price was proper for fair value comparisons. For those manufacturers who sell identical or similar merchandise for home consumption in West Germany, the home market price was compared with purchase price; where identical or similar merchandise is not sold in the home market but is sold to third countries, the third country price was compared with purchase price; and where identical or similar merchandise is neither sold in the home market nor to third countries, constructed value was compared with purchase price. In all instances, the purchase price was found to be not less than the home market price, third country price, or constructed value, as the case may be, after taking into consideration allowances for circumstances of sale and adjustment for differences in the costs of manufacture of similar locks.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidump-

<sup>2</sup> These interests were added and deleted during the past six months.

ing Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,  
*Acting Secretary of the Treasury.*

[F.R. Doc. 59-3382; Filed, Apr. 21, 1959; 8:49 a.m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1959, Supp. 205]

## AMERICAN CENTRAL INSURANCE CO.

### Surety Company Acceptable on Federal Bonds

APRIL 16, 1959.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., sec. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of \$332,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

*Name of Company, Location of Principal Executive Office, and State in Which Incorporated*

American Central Insurance Company, New York, N.Y. (Missouri).

[SEAL] JULIAN B. BAIRD,  
*Acting Secretary of the Treasury.*

[F.R. Doc. 59-3383; Filed, Apr. 21, 1959; 8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 9063]

### TRANS WORLD AIRLINES

#### Notice of Prehearing Conference on Siesta Sleeper Seat Service

In the matter of the Board's order of January 29, 1959, (order No. E-13447) remanding the above-entitled proceeding to the Examiner for further hearing to determine whether it is unjust or unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful for Trans World Airlines, Inc., to charge prevailing first-class fares for its present siesta-seat service or for other siesta-seat services; it may offer, not already reflected in the present record.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 29, 1959, at 10:00 a.m., e.d.s.t., in Room 513, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., April 17, 1959.

[SEAL] FRANCIS W. BROWN,  
*Chief Examiner.*

[F.R. Doc. 59-3390; Filed, Apr. 21, 1959; 8:50 a.m.]

[Docket No. 8943 etc.]

**TRANSOCEAN CORP. AND ATLAS CORP.****Notice of Hearing**

In the matter of the joint application of The Transocean Corporation of California and Atlas Corporation for approval of agreements under sections 408 and 409 of the Federal Aviation Act of 1958.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, particularly sections 408 and 409 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on April 22, 1959, at 10:00 a.m., in Room 513, Universal Building, 1825 Connecticut Avenue NW., Washington 8, D.C., before Examiner Merritt Rublen.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following questions and matters:

(1) Will Babb Company, Inc., a person engaged in a phase of aeronautics, purchase or contract to operate the properties, or any substantial part thereof, of any air carrier, Transocean Airlines, Inc., within the meaning of section 408 (a) (2) of the Federal Aviation Act?

(2) Will Atlas Corporation, a person controlling an air carrier, Northeast Airlines, Inc., purchase or contract to operate the properties, or any substantial part thereof, of a person engaged in a phase of aeronautics, within the meaning of section 408(a) (3)?

(3) Will Atlas acquire control of an air carrier, Transocean Airlines, within the meaning of section 408(a) (5)?

(4) Will Atlas acquire control of a person engaged in a phase of aeronautics, International Aviation Corporation, within the meaning of section 408(a) (6)?

(5) Will Transocean Corporation, a person controlling an air carrier, acquire control of a person engaged in a phase of aeronautics (International) within the meaning of section 408(a) (6)?

(6) Do the agreements violate the provisions of section 409(a) of the Act?

(7) Will the proposed transactions be consistent with the public interest?

(8) Will the proposed transaction result in creating a monopoly and thereby restrain competition or jeopardize another air carrier or person engaged in a phase of aeronautics, not a party to the transaction?

(9) If the transaction is approved, what terms or conditions, if any, should be attached to such approval?

Notice is further given that any person desiring to be heard in this proceeding must file with the Board on or before April 22, 1959, a statement setting forth the issues of fact or law he desires to controvert.

If further details of the authorization are required, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D.C., April 16, 1959.

[SEAL]

FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 59-3391; Filed, Apr. 21, 1959; 8:50 a.m.]

**FEDERAL COMMUNICATIONS COMMISSION**

[Docket Nos. 12657, 12658; FCC 59-347]

**FISHER BROADCASTING AND TRIBUNE PUBLISHING CO.****Memorandum Opinion and Order Amending Issues**

In re applications of Fisher Broadcasting Company, Portland, Oregon, Docket No. 12657, File No. BPCT-2474; Tribune Publishing Company, Portland, Oregon, Docket No. 12658, File No. BPCT-2534; for construction permits for new television broadcast stations.

1. There are before the Commission (1) a petition to enlarge issues, filed December 1, 1958, by Tribune Publishing Company (Tribune); (2) an opposition to this petition, filed December 12, 1958, by Fisher Broadcasting Company (Fisher); and (3) replies to this opposition, filed January 6, 1959,<sup>1</sup> by the Commission's Broadcast Bureau (Bureau) and by Tribune.

2. By Order, released November 10, 1958, the Commission designated the above-described applications for hearing, in a consolidated proceeding, upon the standard comparative issues. Each applicant was found to be legally, financially, technically and otherwise qualified to construct, own, and operate the proposed television broadcast stations.<sup>2</sup>

3. In support of its petition, Tribune states that 60 percent of the outstanding stock of Fisher is owned by Fisher's Blend Station, Inc., which in turn, owns two-thirds of Fisher's Television Company, licensee of Station KOMO-TV, Seattle, Washington, whose remaining one-third interest is owned by Theodore R. Gamble and C. Howard Lane. Tribune further alleges that Messrs. Gamble and Lane own a beneficial interest of at least 37.126 percent in Station KOIN-TV, Portland, Oregon, and that Mr. Gamble is president and director, and Mr. Lane is vice-president and managing director of said station. Tribune argues, therefore, that if Fisher's application is granted, the Fisher group and the Gamble-Lane group would be placed in the position of competitors in Portland, Oregon, while in Seattle, they are joint owners of KOMO-TV, and that such an arrangement not only violates § 3.636 of the Commission's rules, and the Commission's policy underlying its multiple ownership rule, but also results in a concentration of control of television

broadcasting in a manner inconsistent with the public interest, convenience and necessity. In view of the foregoing, Tribune requests the addition of the following issue: "To determine whether the application of Fisher Broadcasting Company contravenes § 3.636 of the Commission's rules or the policy of the Commission against multiple ownership of television broadcast stations, and hence, whether the grant thereof would be in the public interest, convenience or necessity."

4. Fisher, in its opposition, concedes its business relationship with Messrs. Gamble and Lane in Station KOMO-TV, but characterizes the interests of Messrs. Gamble and Lane as that of minority investors. It argues that the facts in this proceeding do not present a question under § 3.636 of the rules, or under the Commission's policy against multiple ownership, since the joint interest involved is in an outside community, i.e., Seattle, and that there is no legal or contractual privity between the Fisher group and the Gamble-Lane group in Portland. To overcome what Fisher refers to as a "rebuttal presumption," i.e. that the two television stations in Portland will not be operated independently, Fisher submits, with its opposition, an affidavit of Donald G. Graham, vice-president and director of Fisher's Blend Station, Inc., and vice-president and director of Fisher's Television Company. Affiant states that Stations KOMO-TV and KOIN-TV presently operate entirely independent of each other, with no exchange of programming, personnel or operating information, that, if Fisher's application herein is granted, Fisher's Portland station will operate in full competition with KOIN-TV, and that Messrs. Gamble and Lane have no interest whatever in Fisher's instant application. Fisher cites several "family privity" cases where the Commission concluded, without hearing, that broadcast stations could be expected to act independently, even though a family relationship existed between the owners of competing stations. It also cites Macon Television Company & RR 703; 897 (1953) where the Commission, without hearing, granted an application of a corporation for a television station, notwithstanding the fact that two of its stockholders (owning 90 percent of the outstanding stock) owned competing radio stations in the same community. In view of the foregoing, Fisher urges denial of the subject petition.

5. The Bureau's reply to Fisher's opposition adjudges the proposed issue inappropriate, but suggests addition of the issue hereinafter adopted. The Bureau states that the problem here presented is whether the Fisher group and the Gamble-Lane group, joint owners of KOMO-TV, Seattle, may, consonant with Commission policy, also have separate interests in competing television stations in Portland. The Bureau finds no violation of any specific Commission rule; but nevertheless believes the relationship between the Fisher group and the Gamble-Lane group gives rise to the question of whether an adverse effect upon competition would result, which question should be considered in light of

<sup>1</sup> By Order (FCC 58M-1503), released December 24, 1958, the Commission, upon the Broadcast Bureau's showing of good cause, granted its petition for extension of time to January 6, 1959 to file a pleading in reply to Fisher's opposition. We note that no specific extension was secured by Tribune, but in view of the extension granted the Broadcast Bureau, we have also considered Tribune's reply.

<sup>2</sup> By Order (FCC 59M-375), released March 25, 1959, the application of KPOJ, Inc., Portland, Oregon (an original party in this proceeding), upon KPOJ's motion, was dismissed. Fisher and Tribune were retained in hearing status.



the statutory public interest standard and the Commission's established policy to foster free competition among broadcasters. The suggested issue will, in the Bureau's view, elicit facts necessary to resolve this question.

6. The Commission finds no violation of § 3.636 of its rules or its policy against multiple ownership of television broadcast stations. However, the undisputed facts of the common business interest between the Fisher group and the Gamble-Lane group are sufficient to warrant the addition of the issue as set forth infra. The mere fact that the common business interest is in an outside community is of no consequence. The controlling consideration is the nature of the common interest, not its location. In the family privity cases, on which Fisher relies, the Commission found, on the facts then before it, that there was not such a community of interests to suggest the possibility that competition would be lessened thereby. Further, the Commission does not regard the Macon decision, supra, as foreclosing an inquiry into the question of whether a common interest, such as is here presented, may adversely affect competition.

Accordingly, it is ordered, That the Order of Designation in this proceeding, released November 10, 1958, FCC 58-1047, is amended: (1) By renumbering Issue No. 2 as Issue No. 3, and by striking the word "issue" therein, substituting therefor the word "issues", and (2) by adding the following Issue No. 2: "To determine in light of the common ownership by Fisher's Blend Station, Inc. and Messrs. Gamble and Lane (stockholders in Station KOIN-TV, Portland, Oregon) of stock in Fisher's Television Company, the licensee of television station KOMO-TV, Seattle, Washington, whether a grant of the Fisher Broadcasting Company (owned 60 percent by Fisher's Blend Station, Inc.) application would have an adverse impact upon competition among television stations in the Portland, Oregon area contrary to the public interest." and;

It is further ordered, That the petition to enlarge issues, filed December 1, 1958, by Tribune Publishing Company, to the extent reflected by the above-added issue, is granted, and is in all other respects, denied.

Adopted: April 15, 1959.

Released: April 17, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3386; Filed, Apr. 21, 1959;  
8:49 a.m.]

[Docket No. 12808; FCC 59M-494]

## EASTON BROADCASTING CO.

### Order Scheduling Prehearing Conference and Continuing Hearing

In re application of Richard S. Cobb and Mary Cobb, d/b as Easton Broad-

casting Co., Easton, Maryland; Docket No. 12808, File No. BP-12011; for construction permit for a new standard broadcast station.

It is ordered, This 16th day of April 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules at 10:00 o'clock a.m. on May 1, 1959, in the Commission's offices, Washington, D.C.; And, it is further ordered, That hearing herein, which is presently scheduled for May 1, 1959, be, and the same is hereby, continued without date.

Released: April 17, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3387; Filed, Apr. 21, 1959;  
8:49 a.m.]

[Docket Nos. 12825, 12826; FCC 59M-485]

## BINDER-CARTER-DURHAM, INC. AND HERBERT T. GRAHAM

### Order Scheduling Hearing

In re applications of Binder-Carter-Durham, Inc., Lansing, Michigan, Docket No. 12825, File No. BP-11565; Herbert T. Graham, Lansing, Michigan, Docket No. 12826, File No. BP-12526; for construction permits for new standard broadcast stations.

It is ordered, This 15th day of April 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 10, 1959, in Washington, D.C.

Released: April 16, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3388; Filed, Apr. 21, 1959;  
8:49 a.m.]

[Docket Nos. 12833, 12834; FCC 59M-486]

## GEORGE T. HERNREICH AND PATTESON BROTHERS

### Order Scheduling Hearing

In re applications of George T. Hernreich, Jonesboro, Arkansas, Docket No. 12833, File No. BPCT-2538; Alan G. Patteson, Jr. and Mathew Carter Patteson, d/b as Patteson Brothers, Jonesboro, Arkansas, Docket No. 12834, File No. BPCT-2567; for construction permits for new television broadcast stations (Channel 8).

It is ordered, This 15th day of April 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on June 9, 1959, in Washington, D.C.

Released: April 16, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-3389; Filed, Apr. 21, 1959;  
8:49 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-16595]

### SHELL OIL CO.

### Order for Hearing and Suspending Proposed Changes in Rates; Amendment

APRIL 15, 1959.

In the Order For Hearing And Suspending Proposed Changes In Rates issued October 22, 1958 and published in the FEDERAL REGISTER on October 29, 1958 (23 F.R. 8367) make the following amendments:

Under "The Commission finds:", in the line that reads "Shell's FPC Gas Rate Schedule 26" correct the latter to read Rate Schedule No. 26.

Under "The Commission orders:", in paragraph (A) add the word "Schedule" after "Rate" in the following lines:

Shell's FPC Gas Rate No. 29; Supplement No. 5 to Shell's FPC Gas Rate No. 27 and Supplement No. 6 to Shell's FPC Gas Rate No. 26.

[SEAL] JOSEPH H. GUTRIE,  
Secretary.

[F.R. Doc. 59-3350; Filed, Apr. 21, 1959;  
8:45 a.m.]

[Docket No. G-18215]

### PHILLIPS PETROLEUM CO.

### Order for Hearing and Suspending Proposed Changes in Rates

APRIL 15, 1959.

Phillips Petroleum Company (Phillips) on March 18, 1959, tendered for filing proposed changes in its presently effective rate schedules<sup>1</sup> by instruments entitled Notice of Change dated March 16, 1959, for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filings. The effective date of these filings is April 18, 1959.<sup>2</sup>

Purchaser:	Rate schedule No.	Supple- ment No.
El Paso Natural Gas Co.....	10	13
El Paso Natural Gas Co.....	66	4
Colorado Interstate Gas Co..	57	2

In support of the proposed increases Phillips cites the favored nation provi-

<sup>1</sup> Rates in effect subject to refund in Docket Nos. G-13734 and G-15315.

<sup>2</sup> The stated effective date is that proposed by Phillips.

sion of its contract and states that the increased rates are not unjust nor unreasonable. In addition Phillips refers to its cost of service exhibits submitted in evidence in the suspension proceedings in Docket Nos. G-1148, et al.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 13 to Phillips' FPC Gas Rate Schedule No. 10, Supplement No. 2 to Phillips' FPC Gas Rate Schedule No. 57 and Supplement No. 4 to Phillips' FPC Gas Rate Schedule No. 66 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the aforementioned supplements.

(B) Pending such hearing and decision thereon, said supplements be and they hereby are suspended and the use thereof deferred until September 18, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-3351; Filed, Apr. 21, 1959;  
8:45 a.m.]

[Docket Nos. G-18216, G-18217]

### CHAMPLIN OIL & REFINING CO. AND BEL OIL CORP.

### Order for Hearings and Suspending Proposed Changes in Rates<sup>1</sup>

APRIL 15, 1959.

On March 19, 1959, the above-named Respondents tendered Notices of Change dated March 18, 1959, which proposed

<sup>1</sup> This order does not provide for the consolidation for hearing of the above dockets, nor should it be so construed.

increased rates and charges in their presently effective rate schedules<sup>2</sup> for sales of natural gas subject to the jurisdiction of the Commission. In both case the effective date is April 19, 1959.<sup>3</sup> The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Respondent	Rate schedule No.	Supplement No.	Purchaser
Champlin Oil & Refining Co.	43	4	Northern Natural Gas Co.
Bel Oil Corp.	3	4	Transcontinental Pipe Line Corp.

In support of the proposed increase Champlin submits copies of its price redetermination agreement and states that the proposed price was determined to be fair, just and reasonable. Bel Oil in support of its requested increase cites the favored nation provision of its contract and states that such provisions were arrived at by arm's-length bargaining.

Champlin also states that an increase in the subject sale of gas has already been filed by Cities Service Oil Company as operator which includes Champlin's interest. Champlin therefore requests that if the present increase be suspended, such increase be made effective the same date as Cities Service's increase becomes effective.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending such hearing and decision thereon, said supplements are suspended and the use thereof deferred until September 18, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has

<sup>2</sup> Bel Oil's rates are in effect subject to refund in Docket No. G-17665.

<sup>3</sup> The stated effective date is the first day after expiration of the required thirty days' notice.

expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-3352; Filed, Apr. 21, 1959;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 54-225]

### VALLEY GAS CO. ET AL.

### Notice of Filing of Plan and Order for Hearing

APRIL 15, 1959.

In the matter of Valley Gas Company, Blackstone Valley Gas and Electric Company, Eastern Utilities Associates, File No. 54-225.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application and an amendment thereto, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), for the approval of a plan, as amended (hereinafter called "Plan"), proposed by it and its public-utility subsidiary, Blackstone Valley Gas and Electric Company ("Blackstone"). The Plan is in two steps and is stated to be for the purpose of complying with a Commission order issued April 4, 1950, pursuant to section 11(b)(1) of the Act, which order, among other things, directed EUA to sever its relationship with the gas properties owned by Blackstone by disposing or causing the disposition of its direct or indirect ownership or control of such properties. (Eastern Utilities Associates, 31 S.E.C. 329, Holding Company Act Release No. 9784).

All interested persons are referred to the amended application and Plan on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

#### THE PLAN

**Step 1.** Blackstone will deposit with the trustee under its mortgage indenture cash in an amount sufficient to obtain the release of its gas properties from the lien of its mortgage indenture. Contemporaneously, Blackstone will convey to its subsidiary company, Valley Gas Company ("Valley"), a Rhode Island corporation organized for that purpose, such released property, together with gas properties and other assets and cash not covered by the mortgage. It is estimated the net book value, at October 1, 1959, of such property will be approximately \$9,800,000. In payment therefor, Valley will issue to Blackstone \$4,500,000 principal amount of first mortgage bonds, \$1,300,000 principal amount of 15-year notes, and \$3,999,970 par value (399,997 shares—\$10 par value) of common stock,

or a total aggregate principal and par value of securities of \$9,799,970; and Blackstone will purchase for \$30 cash the three outstanding shares of Valley \$10 par value common stock.

Simultaneously, pursuant to a private sale to be negotiated, Blackstone will sell to institutional investors, for an estimated \$5,800,000, the bonds and 15-year notes of Valley. Blackstone will borrow from banks an estimated \$1,888,000 to enable it to obtain the balance of the funds required to be deposited with the trustee for the release of its mortgaged gas properties. The trustee will use such funds to retire by purchase, or redemption at the special redemption prices, as directed by Blackstone, outstanding Blackstone bonds, including \$3,750,000 principal amount of 4½ percent Series due in 1988 held by EUA, as to which latter no redemption premium is payable. If satisfactory arrangements have not been made for the sale of the bonds and notes of Valley by October 1, 1959, the anticipated consummation date of the Plan, Blackstone will borrow from banks and possibly from EUA the necessary funds required to release the mortgaged gas properties, and will repay such loans upon the later sale of the Valley bonds and notes. EUA will procure any funds to be loaned by it to Blackstone through bank loans effected by EUA.

**Step II.** Within 90 days after the 1959 year-end figures for Blackstone and Valley have been determined, Blackstone will initiate appropriate proceedings to effect the sale, subject to approval by the Commission, pursuant to a rights offering (which it is presently contemplated will be underwritten), of the 400,000 shares of Valley common stock to the stockholders of EUA and the public stockholders of Blackstone. Blackstone will use the funds from the sale of the Valley stock to reduce its then outstanding bank indebtedness, and for general corporate purposes.

The Plan provides for its enforcement by an appropriate court, upon application by the Commission. The effective and consummation dates of the Plan are to be fixed by the court.

The application requests approval, at this time, of Step I of the Plan and the issuance of such orders as are necessary or appropriate to the consummation thereof. It also requests an exception from the competitive bidding requirements of Rule 50 under the Act as to the sale by Blackstone of the bonds and 15-year notes of Valley.

The Commission being required, by the provisions of section 11(e) of the Act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that a plan as submitted, or as it thereafter may be amended or modified, is necessary to effectuate the provisions of section 11(b) of the Act, and is fair and equitable to the persons affected thereby; and it appearing to the Commission that it is appropriate in the public interest and for the protection of investors and consumers that a hearing be held concerning the Plan to afford all interested persons an opportunity to be heard in respect thereof:

*It is ordered,* That a hearing in respect of the Plan be held on May 26, 1959, at 10:00 a.m., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. Any person desiring to be heard, or otherwise wishing to participate, in the proceeding shall file with the Secretary of the Commission on or before May 20, 1959, a request therefor in the manner prescribed by Rule XVII of the Commission's rules of practice.

*It is further ordered,* That James G. Ewell, or any other officer or officers of the Commission designated by it, from time to time, for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all of the power granted to the Commission under section 18(c) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of Step I of the Plan, and upon the basis thereof the following matters and questions are presented for consideration with respect thereto, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the Plan effectuates compliance with the Commission's order of April 4, 1950, issued pursuant to section 11(b)(1) of the Act; and if not, in what respects the Plan should be modified.

(2) Whether the Plan is fair and equitable to the persons affected thereby; and, if not, in what respects the terms thereof should be modified to make it fair and equitable.

(3) Whether the securities proposed to be issued and sold, and the terms and conditions of their issuance and sale, meet the applicable provisions of the Act.

(4) Whether the acquisition by Blackstone of the bonds, 15-year notes, and common stock of Valley satisfies the applicable provisions of the Act.

(5) Whether the accounting entries to record the transactions under the Plan conform to sound accounting principles.

(6) Whether the proposed sale by Blackstone of the Valley bonds and 15-year notes should be excepted from the competitive bidding requirements of Rule 50 under the Act.

(7) Whether the Plan is in all respects in the public interest and in the interest of investors and consumers, and whether the proposed transactions comply in all respects with all applicable provisions of the Act and the rules and regulations thereunder.

*It is further ordered,* That at said hearing attention shall be given to such matters and questions, and to such other matters and questions as shall be specified during the proceeding.

*It is further ordered,* That notice of this hearing shall be given by registered mail to EUA, Blackstone, Valley, and to the Rhode Island Public Utility Administrator, that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this notice and

order shall be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the Act.

*It is further ordered,* that EUA shall give notice of the filing of the Plan and of the hearing by causing to be mailed, at its expense, a copy of this notice and order, at least 30 days prior to the date set for the hearing, to each of the public stockholders of Blackstone.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 59-3365; Filed, Apr. 21, 1959; 8:47 a.m.]

[File No. 70-3787]

## OHIO POWER CO.

### Notice of Proposed Sales of Jointly-Used Poles to Nonaffiliated Company

APRIL 16, 1959.

Notice is hereby given that Ohio Power Company ("Ohio Power"), a public-utility subsidiary of American Electric Power Company, Inc. ("American"), a registered public-utility holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transactions which are described below:

Ohio Power proposes to make two sales to The Ohio Bell Telephone Company ("Ohio Bell"), a nonaffiliated company, of certain wood poles in places that are jointly used by Ohio Power and Ohio Bell. The first sale, which is expected to be consummated after April 15, 1959, involves 12,243 poles located in Ohio Bell's Southwest Exchange Area. The second sale, which is expected to be consummated on or about May 15, 1959, involves 6,085 poles located in Ohio Bell's Northeast Exchange Area. The selling price, determined by arm's-length bargaining on the basis of depreciated replacement cost, will be \$467,375.34 and \$235,132.55, respectively.

Ohio Power and Ohio Bell have made joint use of poles owned by them for many years. The desirability of the transactions proposed arises by reason of the fact that Ohio Power owns considerably more of these poles than does Ohio Bell. The purpose of the sales is to effect approximate equalization of investment in jointly-used poles and in the fees which each company pays to the other for the privilege of joint use. After these sales have been consummated, Ohio Power and Ohio Bell will continue to share the use of these poles as in the past.

The declaration states that no fees, commissions, or expenses are to be paid or incurred by Ohio Power, American, or any associate company in connection with the proposed transactions and that no State or Federal commission, other

than this Commission, has jurisdiction over said transactions.

Notice is further given that any interested person may, not later than May 4, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-3366; Filed, Apr. 21, 1959;  
8:47 a.m.]

[File No. 24S-1664]

### BEN HUR GOLD, INC.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 16, 1959.

I. Ben Hur Gold, Inc. (issuer), an Idaho corporation, P.O. Box 2853, Boise, Idaho, filed with the Commission on March 12, 1959 a notification on Form 1-A and an offering circular relating to an offering of 200,000 shares of its 10 cents par value stock at 10 cents per share for an aggregate offering of \$20,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. An exemption under Regulation A is not available pursuant to Rule 252(d) (2) in that the president of the issuer has been enjoined by courts of competent jurisdiction.

B. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification on Form 1-A fails to disclose the names and addresses of the issuer's predecessors, as required by Item 2(a);

2. The notification on Form 1-A fails to set forth fully the information required by Items 5 and 9 as to the issuer's predecessors;

3. The issuer has failed to file copies of the governing instruments defining the rights of the 10 cents par value stock proposed to be offered, as required by Item 11(a) of Form 1-A.

C. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statements on page 5 concerning Earl Cedric Heffner, a director, a promoter, and the president of the issuer, and the failure to disclose fully and adequately his background and experience;

2. The statements on page 5 concerning William Alexander Hutton, a director of the issuer and its mining engineer, and the failure to disclose fully and adequately his background and experience;

3. The failure to disclose the insolvent condition of Good Hope Investors, Inc., an affiliate and predecessor of the issuer;

4. The failure to disclose the condition and value of the issuer's mining machinery;

5. The failure to disclose the material terms of the issuer's mining equipment contracts and liens, if any, on such equipment;

6. The failure to disclose adequately the contract terms for, the nature of the title to, and the royalties payable on The Windfall Property, The Millsite and Parker Placer, The Ben Hur Quartz Property, The Buffalo Quartz Property, and The Coy-Downing Humdinger No. 1 Quartz Claim;

7. The failure to disclose adequately the results of work upon the issuer's mining properties;

8. The statement on page 8 that "This property contains from 1,000 to 1,500 feet of Creek Bed Placer that we believe to be workable";

9. The statement on page 11 that "Values are in Lode Gold with quite a lot of Silver in places; our preliminary assays indicate a fairly good grade of rock and widths are also quite good; what lies underneath and beyond is a something we would all like to know".

10. The adequacy of the information given in the first paragraph on page 13, concerning assay results;

11. The failure to disclose adequately (a) Information about the type, condition, and capacity of the issuer's mill, and (b) The justification for the proposed expenditures on the issuer's mill in light of the amount of known ore;

12. The failure to set forth adequate financial statements properly reflecting the issuer's financial condition;

13. The failure to set forth appropriate financial statements for the issuer's predecessor;

14. The failure to disclose that there is no established market for the issuer's stock and that the offering price of the stock is an arbitrary figure.

D. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended, in that in addition to the foregoing, among other things, statements are made implying the existence of commercial quantities of ore and successful mining operations.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Reg-

ulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-3367; Filed, Apr. 21, 1959;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 265]

### MOTOR CARRIER APPLICATIONS

APRIL 17, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

##### MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub No. 104), filed March 26, 1959. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Cove Fort, Utah, and Price, Utah; from Cove Fort over Utah Highway 13 to Sevier, Utah, thence over U.S. Highway 89 to Salina, Utah, and thence over Utah Highway 10 to Price, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in

connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, New Mexico, Arizona, Utah, Wyoming, Oregon, Nevada, California, Montana, Idaho, and Washington.

**HEARING:** June 2, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 263 (Sub No. 105), filed March 26, 1959. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Denver, Colo., and Montpelier, Idaho; from Denver over U.S. Highway 87 to Cheyenne, Wyo., thence over U.S. Highway 30 to junction U.S. Highway 30N, near Little America, Wyo., and thence over U.S. Highway 30N to Montpelier, and return over the same route, serving no intermediate points except to interline traffic with other motor carriers at Cheyenne. Applicant is authorized to conduct operations in Washington, Idaho, Montana, Oregon, Nevada, California, Colorado, New Mexico, Arizona, Utah, and Wyoming.

**HEARING:** May 28, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 409.

No. MC 263 (Sub No. 106), filed March 30, 1959. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Class A and B explosives*, serving the site of the Thiokol Chemical Corporation plant, located near Corinne, Utah, as an off-route point in connection with applicant's authorized regular route operations over U.S. Highways 191 and 30-South between Brigham City and Tremonton, Utah. Applicant is authorized to conduct operations in Washington, Idaho, Montana, California, Nevada, Oregon, Wyoming, Utah, Arizona, New Mexico, and Colorado.

**HEARING:** June 3, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 730 (Sub No. 137), filed March 17, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, from Casper, Wyo., to points in Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Iowa, and Wisconsin. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Missouri, Kansas, Illinois, and Indiana.

**NOTE:** Applicant states that it agrees that any duplication of authority shall not be

construed as conferring more than a single operating authority between any points or territory embraced in the application.

**HEARING:** June 16, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 730 (Sub No. 138), filed March 30, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Class A and B explosives*, serving the site of the Thiokol Chemical Corporation plant, located approximately seventeen (17) miles west of Corinne, Utah, as an off-route point in connection with applicant's authorized regular route operations (1) between Brigham, Utah, and Downey, Idaho, (2) between Salt Lake City, Utah, and Pocatello, Idaho, and (3) between Tremonton, Utah, and Downey, Idaho. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wisconsin, and Wyoming.

**HEARING:** June 3, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 1124 (Sub No. 152), filed February 6, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, a Texas corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Mobile, Ala., and Pensacola, Fla., as points of interchange and interline with other carriers only, in connection with applicant's authorized regular route operations between New Orleans, La., and Jacksonville, Fla. Applicant is authorized to conduct operations in Louisiana, Texas, Tennessee, Arkansas, Oklahoma and Florida.

**HEARING:** May 29, 1959, at the Federal Office Bldg., 600 South Street, New Orleans, La., before Examiner James I. Carr.

No. MC 1641 (Sub No. 42), filed March 12, 1959. Applicant: RAY PEAKE, doing business as PEAKE TRANSPORT SERVICE, Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fertilizer solutions, including but not limited to, urea nitrate fertilizer solution, nitrogen fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities*, (not specified) used in transporting the above commodities, between points in Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, and Wyoming. Applicant is authorized to conduct operations in Kansas, Nebraska, Iowa, and South Dakota.

**HEARING:** June 18, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 2229 (Sub No. 93), filed December 23, 1958. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P.O. Box 3148, Dallas, Tex. Applicant's attorney: Thomas E. James and Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Texarkana, Tex.-Ark., and junction Louisiana Highway 1 and Texas Highway 77 near the Texas-Louisiana State line, approximately five (5) miles northwest of Rodessa, La., as follows: from Texarkana, Tex.-Ark., over U.S. Highway 59 to Atlanta, Tex., thence over Texas Highway 77 to the Texas-Louisiana State line (at Louisiana Highway 1), approximately five (5) miles northwest of Rodessa, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

**NOTE:** Applicant states that it proposes in the instant application a complete coordination of service of its existing operations and the existing operations of Denver-Amarillo Red Ball Motor Freight, Inc., (MC 105265 and Subs thereunder), with those proposed herein.

**HEARING:** June 8, 1959, at the Washington-Youree Hotel, Shreveport, La., before Joint Board No. 153, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 2392 (Sub No. 17), filed March 9, 1959. Applicant: WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fertilizers, fertilizer solutions, fertilizer mixes and mixtures, acids and chemicals, anhydrous ammonia, and aqua ammonia*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in Nebraska, Iowa, Minnesota, Illinois, Wisconsin, Missouri, Kansas, Colorado, Wyoming, South Dakota, and Oklahoma. Applicant is authorized to conduct operations in Iowa, Kansas, and Nebraska.

**HEARING:** June 25, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner James O'D. Moran.

No. MC 8948 (Sub No. 43), filed December 29, 1958. Applicant: WESTERN TRUCK LINES, LTD., 2550 East 28th Street, Los Angeles 58, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, live animals including poultry, and bulk liquids other than those in containers, (1) between Camp



Richardson, Calif., and junction California Highway 28 and U.S. Highway 50 near Glenbrook, Nev., from Camp Richardson, over California Highway 89 to junction California Highway 28 near Tahoe City, Calif., thence over California Highway 28 to junction U.S. Highway 50 near Glenbrook, and return over the same route, serving all intermediate points in all off-route points within 5 miles of the above specified route; (2) between junction California Highways 89 and 28 near Tahoe City, Calif., and Squaw Valley, Calif., from the junction of California Highways 89 and 28 over California Highway 89 to junction unnumbered road, thence over said unnumbered road to Squaw Valley, and return over the same route, serving all intermediate points, and all off-route points within 5 miles of the above specified route; (3) between Reno, Nev., and junction California Highway 89 and unnumbered road to Squaw Valley, Calif., from Reno over U.S. Highway 40 to junction California Highway 89, near Truckee, Calif., thence over California Highway 89 to junction unnumbered road leading to Squaw Valley, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (4) between Sacramento, Calif., and the junction of California Highway 89 and unnumbered road to Squaw Valley, Calif., from Sacramento over U.S. Highway 40 to junction of California Highway 89 to junction unnumbered road leading to Squaw Valley, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Arizona, New Mexico, Nevada, California, and Texas.

**HEARING:** June 11, 1959, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78.

No. MC 11315 (Sub No. 9) (REPUBLICATION), filed January 6, 1959, published issues of January 21, 1959, February 4, 1959, and April 8, 1959. Applicant: WILLIAM A. GIVENS (W. A. GIVENS, JR., EXECUTOR), 250 West Thornton Street, Akron, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Articles* manufactured from natural, artificial or synthetic rubber, except tires, *plastics*, and *articles* manufactured therefrom, (1) from points in Cuyahoga, Geauga, Medina, Portage, Stark, Summit, and Wayne Counties, Ohio, and Bellevue, Ohio, to points in Illinois on and north of U.S. Highway 40, and points in Missouri, and (2) from points in the St. Louis, Mo., Commercial Zone, to points in Ohio on and north of U.S. Highway 40; (b) *baked goods*, *cakes*, *cookies* and *confections*, and *fixtures*, *lighting*, *fluorescent*, with *equipment*, *electrical apparatus* and *parts*, from St. Louis, Mo., and points in the St. Louis, Mo., Commercial Zone, to points in Indiana on and north of U.S. Highway 40, points in Michigan on and south of Michigan Highway 21, and points in Ohio; and (c) *boots* and/or *shoes*, (1) from points

in the St. Louis, Mo., Commercial Zone and Nashville, Tenn., to Akron, Cleveland, and Columbus, Ohio, and (2) from Akron, Cleveland, and Columbus, Ohio, to points in Indiana, Michigan and Ohio, (d) *aluminum siding*, *roofing* and *accessories*, *metal doors* and *windows*, *aluminum* and *parts*, including *metal stampings* and *extrusions*, from Akron, Cleveland, Columbiana, and Gnadenhutten, Ohio, to points in Illinois, Indiana, Michigan, Missouri, Kentucky, and Tennessee; and (e) *aluminum bar*, *coil*, *ingot*, *paint*, *oil*, *calking compound*, *glass*, *wire* and *plate*, *iron* or *steel*, from Alton, Ill., Ravenswood, W. Va., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to points in Ohio east of U.S. Highway 23. Applicant is authorized to conduct operations in Ohio, Tennessee, Illinois, Missouri, and Kentucky.

**NOTE:** A proceeding has been instituted under section 212(c), No. MC 11314 Sub No. 8, to determine whether applicant's status is that of a contract or common carrier.

**HEARING:** Reassigned May 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

**NOTE:** Previously published under NO HEARING.

No. MC 19201 (Sub No. 108), filed April 14, 1959. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Box 432, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portland*, *hydraulic* and *masonry cement*, in bulk in tank or hopper-type vehicles, and *such types of cement* in bags, packages; or other containers, palletized and or unpalletized, from West Conshohocken and points in the townships of Upper Merion, Montgomery County, Lower Mount Bethel, Northampton County, and West Manchester, York County, Pa., Union Bridge and points in Washington County, Md., and points in Berkeley County, W. Va., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and *empty containers*, *pallets* and other *incidental facilities* used in transporting cement, on return. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana, and West Virginia.

**HEARING:** April 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 25798 (Sub No. 27), filed April 1, 1959. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, R. No. 1, Hendersonville, N.C. Applicant's attorney: Chester E. King, 1507 M Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, including dry or powdered milk, from points in Minnesota and Wisconsin to points in Alabama, Georgia,

Florida, Mississippi, and Tennessee, and *exempt commodities* on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**HEARING:** June 5, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 30042 (Sub No. 17), filed April 16, 1959. Applicant: SECURITY TRUCKING COMPANY, a Corporation, Tulsa, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, *equipment*, *materials* and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *machinery*, *equipment*, *materials* and *supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (1) between points in Missouri and Kansas; and (2) between points in Missouri and Kansas, on the one hand, and, on the other, points in North Dakota, South Dakota, Wyoming, Montana, and Utah. Applicant is authorized to conduct operations in Oklahoma, Kansas, Texas, New Mexico, Illinois, Missouri, Louisiana, Colorado, Nebraska, Wyoming, Montana, North Dakota, and South Dakota.

**HEARING:** May 4, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 30837 (Sub No. 254), filed March 3, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive vehicles* weighing less than 1500 pounds each, in initial movements, by the truckaway method, from Madison, Wis., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** May 25, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 30851 (Sub No. 6), filed January 23, 1959. Applicant: CARROLL R. SMITH, North Center Street, Canton, Pa. Applicant's representative: T. C. Callahan, Canton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between ports of entry on the United States-Canadian Interna-

tional Boundary at Peace Bridge, Buffalo, N.Y., and Roosevelt, Trout River, and Champlain, N.Y., on the one hand, and, on the other, Canton, Pa., and points within 100 miles of Canton. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

**HEARING:** May 25, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 31323 (Sub No. 8) (REPUBLICAN), filed January 14, 1959. Applicant: T. L. MYDLAND, 1403 Jefferson Highway, Jefferson Parish, La., also Box 10086, Jefferson Branch, New Orleans 21, La. Applicant's attorney: Robert A. Ainsworth, Jr., National Bank of Commerce Building, New Orleans 12, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup*, in containers, from New Orleans, La., to Ocean Springs, Miss., and *empty containers and rejected shipments of flavoring syrup*, from Ocean Springs, Miss., to New Orleans, La. Applicant is authorized to conduct operations in Alabama, Florida, Louisiana, and Mississippi.

**HEARING:** May 26, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28, or if the Joint Board waives its right to participate, before Examiner James I. Carr.

**NOTE:** Previously published under NO HEARING.

No. MC 34977 (Sub No. 7), filed February 9, 1959. Applicant: ROBERTA VOLPE, doing business as D. VOLPE, 1226 South Carlisle Street, Philadelphia, Pa. Applicant's attorney: Clarence M. Freedman, 1402-5 Commonwealth Building, 12th and Chestnut Streets, Philadelphia 7, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal pipe, pipe arch and pipe fittings*, from Southampton, Bucks County, Pa., to New York, N.Y., Washington, D.C., points in Chemung, Tioga, Broome, Delaware, Schoharie, Schenectady, Albany, Rensselaer, Greene, Columbia, Ulster, Dutchess, Sullivan, Orange, Putnam, and Westchester Counties, and Long Island, N.Y., points in Litchfield, Fairfield, New Haven, Middlesex, and Hartford Counties, Conn., those in Accomack and Northampton Counties, Va., and those in that part of Virginia on and east of U.S. Highway 15, and on and north of U.S. Highways 250 and 360, and points in Delaware, Maryland and New Jersey, and *returned and rejected shipments of the above-specified commodities from the above-specified destination points to Southampton, Bucks County, Pa.* Applicant is transferee in Order in No. MC-FC 61865 which approves and authorizes, subject to the conditions therein specified, transfer of the operating rights in Permit No. MC34977 and in Interim Permit No. MC 34977 Sub 4 in the name of Domenick Volpe and Roberta Volpe, a partnership, doing business as D. Volpe, and concerns operations in Delaware, Maryland, New Jersey, New York, Penn-

sylvania, Virginia, and the District of Columbia.

**HEARING:** May 26, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 40946 (Sub No. 15), filed February 4, 1959. Applicant: DELAWARE EXPRESS CO., a corporation, P.O. Box 141, Elkton, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry food (in bags or in bulk)*, and *animal and poultry sanitation products, including germicides, fungicides, insecticides, disinfectants, garden sprayers and dusters, and weed-killing compounds*, from the site of the Ralston Purina Company Plant near Wilmington, Del., to Washington, D.C., Baltimore, Md., and points in Harford, Baltimore, Carroll, Howard, Montgomery, Anne Arundel, Prince Georges, Charles, Calvert, and St. Marys Counties, Md., and those in Arlington and Fairfax Counties, Va., and *empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities on return.* Applicant is authorized to conduct regular route operations in Delaware and Maryland, and irregular route operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

**NOTE:** Applicant holds common carrier authority in Certificate No. MC 114301. Dual operations under section 210 may be involved. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier assigned Docket No. MC 40946 (Sub No. 13).

**HEARING:** May 25, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 45057 (Sub No. 11), filed December 29, 1958. Applicant: DALE McLEOD, doing business as McLEOD TRUCKING SERVICE, 1285 East Fifth Street, Reno, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, between Reno, Nev., and Stead Air Force Base, Nev.: from Reno, over U.S. Highway 395 for a distance of approximately ten miles north of Reno, to Stead Air Force Base, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in California and Nevada.

**HEARING:** June 4, 1959, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 128.

No. MC 48213 (Sub No. 18) (CORRECTION), filed March 11, 1959, published issue of April 8, 1959. Applicant: C. E. LIZZA, INC., First National Bank Building, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Previous publication named the commodities to be transported as *New materials*, in error. Correctly stated the commodities proposed to be transported are: *Raw materials, equipment, supplies and other*

*materials used or useful in the manufacture or distribution of explosives, blasting supplies, materials and agents and the component parts thereof, ammonium nitrate, nitro-carbonate; and equipment incidental to the use thereof.* The remainder of the publication was correct as published.

**HEARING:** Remains as assigned May 7, 1959, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Dallas B. Russell.

No. MC 48958 (Sub No. 35), filed March 9, 1959. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's representative: Robert W. Wright, Jr., Assistant Traffic Manager, Illinois-California Express, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Household goods*, as defined by the Commission, and *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, between Walsenburg, Colo., and Santa Fe, N. Mex., from Walsenburg over U.S. Highway 160 to junction Colorado Highway 159 at Fort Garland, Colo., thence over Colorado Highway 159 to the Colorado-New Mexico State line, thence over New Mexico Highway 3 to junction U.S. Highway 64 at Taos, N. Mex., thence over U.S. Highway 64 to junction U.S. Highway 285 approximately four (4) miles north of Riverside, N. Mex., thence over U.S. Highway 285 to Santa Fe, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular routes between Denver, Colo., and Santa Fe, N. Mex.

**HEARING:** May 27, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 125.

No. MC 52458 (Sub No. 148), filed April 8, 1959. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route 9, Woodbridge, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in stainless steel tank vehicles equipped with steam coils for temperature control, from Newark, N.J., to Washington, D.C. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

**HEARING:** May 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.

No. MC 56344 (Sub No. 1), filed December 16, 1959. Applicant: MARIE F. GRUBB, 1318 East Washington Lane, Philadelphia 38, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Culvert pipe*, from Southampton, Pa., to points in Massachusetts, New York, Rhode Island, Connecticut, and Virginia. Applicant is authorized to conduct operations in Delaware, Maryland,

New Jersey, Pennsylvania, and the District of Columbia.

NOTE: Applicant indicates that she proposes to transport the above-specified commodity for the Wheeling Corrugating Co.

HEARING: May 26, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 60012 (Sub No. 41), filed March 2, 1959. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, Denver, Colo. Applicant's representative: Ernest Porter, 1531 Stout Street, P.O. Box 5482, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities, including Class A and B explosives*, but excluding livestock, household goods as defined by the Commission, commodities of unusual value, commodities in bulk, and those which, because of size and weight, require special equipment, between Somerset, Colo., and the site of the Paonia Dam, located approximately 5 miles north and east of junction of Colorado Highway 135 and Colorado Highway 133, in Gunnison County, Colo., over Colorado Highway 135 and unnumbered highways, serving no intermediate points. Applicant is authorized to conduct operations in Colorado and New Mexico.

HEARING: May 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126

No. MC 64994 (Sub No. 27), filed March 19, 1959. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston Salem, N.C. Applicant's attorney: A. W. Flynn, Jr., 201-204 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, through Charleston, W. Va., as a gateway, with no service at Charleston, W. Va., except as otherwise authorized, from points in Virginia on and within a line extending northward from the North Carolina-Virginia State line along Virginia Highways 16 to the Virginia-Virginia State line, thence northeastward along the Virginia-West Virginia State line to U.S. Highway 460, thence eastward along U.S. Highway 460 to Lynchburg, and thence southward along U.S. Highway 29 to the Virginia-North Carolina State line, to Chicago, Ill., points in Ohio (except to Cleveland and Akron, Ohio), points in Michigan on and south of Michigan Highway 21, and points in Indiana on and north of U.S. Highway 40.

NOTE: Applicant states the purpose of this application is not to enlarge its authorized territory, but to eliminate the Delphos, Ohio, and Greensboro, N.C., gateways, and establish Charleston, W. Va., as the only gateway, as more specifically set forth in Appendix 1 to the instant application. Applicant also seeks the following restriction: That the authority herein sought and that now held by the carrier between the same points shall be construed as comprising a single operating

right so that the authority herein sought and that now held by the carrier between the same points shall not be severable by sale or otherwise.

HEARING: May 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 65006 (Sub No. 2), filed March 16, 1959. Applicant: EDWARD M. SNYDER, 5025 Rosehill Street, Philadelphia, Pa. Applicant's attorney: Morris J. Winokur, Juniper and Market Streets, Market Street National Bank Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, used furniture and furniture parts*, between Bridgeport, Pa., on the one hand, and, on the other, points in New Jersey, Maryland, Delaware, New York, and Washington, D.C. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, Maryland, and Delaware.

HEARING: May 28, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 69695 (Sub No. 4), filed March 30, 1959. Applicant: RAY L. BRANDT, 460 West Philadelphia Street, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, (1) from points in York County, Pa., to points in Maryland, Delaware, New Jersey, and the District of Columbia, and (2) from points in Blue Mount, Baltimore County, Md., to points in New Jersey, Delaware, York County, Pa., and the District of Columbia; and *empty containers or other such incidental facilities*, used in transporting crushed stone, on return. Applicant is authorized to conduct operations in Pennsylvania, Maryland, the District of Columbia, and Delaware.

HEARING: May 21, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner William E. Messer.

No. MC 69752 (Sub No. 19), filed March 25, 1959. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products and commodities used by packing houses*, as defined by the Commission in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272-273, as modified in 61 M.C.C. 766, in peddle service, in vehicles equipped with temperature-control devices, and *meat racks and rails*, from Kansas City, Mo.-Kans., to points in Baca, Cheyenne, Kiowa, and Prowers Counties, Colo., and Cimarron and Texas Counties, Okla., and *damaged and returned shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Kansas, Illinois, Missouri, Oklahoma, Indiana, and Iowa.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 69752 Sub No. 16, to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 8, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hunley.

No. MC 76032 (Sub No. 130), filed February 17, 1959. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Walsenburg, Colo., and Santa Fe, N. Mex., from Walsenburg over U.S. Highway 160 to Alamosa, Colo., thence over U.S. Highway 285 to Santa Fe, and return over the same route, serving the intermediate points of Espanola, Riverside, and Pojoaque, N. Mex., and the off-route points of the sites of Zia Project, Los Alamos, N. Mex., and the Petaca Mines near Ojo Caliente, N. Mex. Applicant is authorized to conduct operations in New Mexico, California, Arizona, Texas, Colorado, Nebraska, Illinois, Missouri, Oklahoma, Kansas, Indiana, Iowa, and Nevada.

NOTE: Applicant is authorized to conduct operations in No. MC 76032 (Sub No. 118), between Walsenburg, Colo., and Santa Fe, N. Mex., serving no intermediate points, and serving the sites of Zia Project, Los Alamos, N. Mex., restricted to traffic moving to or from points beyond Santa Fe, and the Petaca Mines near Ojo Caliente, N. Mex., as off route points. Applicant states that it seeks no duplicating authority, and in the event the above application is approved as filed, the applicant will then request that its Sub 118 authority be canceled simultaneously with the issuance of the new authority.

HEARING: June 15, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125.

No. MC 76032 (Sub No. 131), filed February 17, 1959. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, farm products, grain and hay, fresh milk, fresh vegetables, perishable products which require refrigeration, lumber in bulk, in truck loads, sand and gravel, coal, in bulk, rock asphalt, petroleum products or other liquids in bulk, corrosive acids, and new automobiles, between Stratford, Tex., and junction of U.S. Highway 54 and 66 at or near Tucumcari, N. Mex., from Stratford over U.S. Highway 54 to

Junction U.S. Highway 66 at or near Tucumcari, N. Mex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in New Mexico, California, Arizona, Texas, Colorado, Nebraska, Illinois, Missouri, Oklahoma, Kansas, Indiana, Iowa, and Nevada.

**HEARING:** June 17, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33.

No. MC 78786 (Sub No. 213) (REPUBLICATION), filed November 14, 1958. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a Corporation, 65 Market Street, San Francisco, Calif. Applicant's attorney: William Meinhold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Baggage, express, newspapers, milk and cream*, in service auxiliary to, or supplemental of, rail service of Southern Pacific Company and Railway Express Agency, Inc., (1) between San Simon, Ariz., and Lordsburg, N. Mex., from San Simon over Arizona Highway 86 to the Arizona-New Mexico State line, thence over New Mexico Highway 14 to junction U.S. Highway 80, thence over U.S. Highway 80 to Lordsburg, and return over the same route; (2) between El Paso, Tex., and Tucumcari, N. Mex., from El Paso over U.S. Highway 54 to Tucumcari, and return over the same route, serving all intermediate points and all on-rail off-route points which are stations on the line of Southern Pacific Company between said termini, in connection with the above routes. Applicant is authorized to conduct operations in Oregon, California, Arizona, and Nevada.

**HEARING:** June 9, 1959, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 127, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

**NOTE:** Previously published under NO HEARING.

No. MC 87861 (Sub No. 3), filed March 30, 1959. Applicant: CONTRACTORS TRANSIT, INC., 3770 Grant Street, Gary, Ind. Applicant's attorney: Warren C. Moberly, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and tile*, (a) from West Darlington, Bessemer, Beaver Falls, and Eastvale, Pa., to points in Indiana; (b) from Brazil, Ind., to points in Missouri; (2) *fertilizer and salt*, in bags and in bulk, from points in Cook and Will Counties, Ill., to points in Indiana, and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Indiana, Wisconsin, Illinois, Michigan, Kentucky, Ohio, and Missouri.

**HEARING:** June 8, 1959, in Room 852, U.S. Custom House, 610 South

Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 89418 (Sub No. 4), filed April 3, 1959. Applicant: ECONOMY TRANSPORT CO., a Nebraska Corporation, Wahoo, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable frame buildings*, knocked down, from Wahoo, Nebr., to points in Wisconsin. Applicant is authorized to conduct operations in Nebraska, Kansas, Iowa, Wyoming, South Dakota, North Dakota, Colorado, Illinois, Indiana, and Oklahoma.

**HEARING:** June 24, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner James O'D. Moran.

No. MC 89778 (Sub No. 72), filed March 18, 1959. Applicant: BAGGETT TRANSPORTATION COMPANY (A Corporation), 2 South 32d Street, Birmingham, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jet thrust units, explosive and inert, and Class A and B explosives*, from Redstone Arsenal, near Huntsville, Ala., to Moses Lake, Wash., and the plant site of Thiokol Chemical Corporation, near Brigham City, Utah. Applicant is authorized to conduct operations throughout the United States except Arizona, California, Idaho, Nevada, Oregon, and Washington.

**NOTE:** A proceeding has been instituted under section 212(c) of the Act to determine whether applicant's status is that of a common or contract carrier in MC 89778 (Sub No. 69). Dual operations may be involved.

**HEARING:** May 26, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Mack Myers.

No. MC 92983 (Sub No. 342), filed March 4, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, other than petroleum and petroleum products, in bulk, between points in Kansas, Nebraska, North Dakota, and South Dakota. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, Wisconsin, Missouri, Kentucky, Arkansas, Ohio, Minnesota, Indiana, Kansas, North Carolina, South Carolina, Louisiana, Florida, South Dakota, Tennessee, Michigan, New York, Texas, North Dakota, Pennsylvania, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma, and Alabama.

**HEARING:** May 22, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 92983 (Sub No. 349), filed March 23, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Iowa, Kansas, Missouri, and Oklahoma. Applicant is authorized to conduct operations in all points in the United States except Arizona, California, Colorado, Idaho, Louisiana, Montana, Nevada, New

Mexico, Oregon, Utah, Washington, Wyoming, and Alaska.

**HEARING:** June 17, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 92983 (Sub No. 350), filed March 27, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in New Jersey, New York and Pennsylvania to points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

**HEARING:** June 16, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 93980 (Sub No. 27), filed January 23, 1959. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Dabney Drive, Henderson, N.C., MAILING ADDRESS: P.O. Box 336, Henderson, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduits, couplings or pipe cement*, containing asbestos fibre; and accessories necessary for the installation thereof, from Ambler, Pa., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, and damaged or rejected shipments of the above-specified commodities on return. Applicant is authorized to conduct operations in Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

**HEARING:** June 4, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 95473 (Sub No. 8), filed March 12, 1959. Applicant: H. A. BAUB, INC., Reinerton, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Sand*, in bulk, (1) from points in Cecil County, Md., to points in Delaware; and (2) from Bridgeport and Port Elizabeth, N.J., to points in Berks County, Pa. Applicant is authorized to conduct operations in Maryland, New York, and Pennsylvania.

**HEARING:** May 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.



No. MC 97264 (Sub No. 19), filed February 24, 1959. Applicant: M AND M OIL AND TRANSPORTATION, INC., P.O. Box 2250, Denver 1, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Mesa County, Colo., to points in San Miguel, San Juan, Dolores, Hinsdale, La Plata, Montezuma, and Archuleta Counties, Colo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct regular route operations in Colorado, Idaho, and Wyoming, and irregular route operations in Colorado, Kansas, Nebraska, North Dakota, South Dakota, and Wyoming.

HEARING: May 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 98749 (Sub No. 8), filed January 8, 1959. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics*, in bulk (not in liquid form) in specialized motor vehicle equipment, from the site of the Texas Eastman Plant near Longview, Tex., to points in California, Colorado, Michigan, Minnesota, Nebraska, Oregon, Washington, and Wisconsin. Applicant is authorized to conduct operations in Arkansas, California, Colorado, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oregon, Tennessee, Texas, Washington, and Wisconsin.

HEARING: June 1, 1959, at the Baker Hotel, Dallas, Texas, before Examiner James I. Carr.

No. MC 99724 (Sub No. 1), filed February 9, 1959. Applicant: WALTER TRAPPIO, Dba, TRAPPIO MOVING SERVICE, 2236 West Montgomery Avenue, Philadelphia 21, Pa. Applicant's representative: Lenwood W. Harris, 428 North Wilton Street, Philadelphia 39, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, upholstered and *furnishings*, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland. Applicant is authorized to conduct operations in Pennsylvania.

HEARING: May 22, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 99888 (Sub No. 1), filed March 16, 1959. Applicant: MAYFIELD CARTAGE CO., INC., 2641 North Davison Street, River Grove, Ill. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*,

*gum*, *confectionery products* and *advertising and display material* incidental and pertaining to the sale and distribution of candy, gum, confectionery products, in insulated equipment, between points in a territory comprised of that part of Indiana and Illinois on and north of U.S. Highway 40, those in that part of Wisconsin on and south of U.S. Highway 18 from Milwaukee to Madison, and on and south of U.S. Highway 14 from Madison to LaCrosse, and those in that part of Iowa on and east of U.S. Highway 52 from the Iowa-Minnesota State line to its intersection with Iowa Highway 150, thence on and east of Iowa Highway 150 to its intersection with U.S. Highway 218, thence on and east of U.S. Highway 218 to Keokuk, Iowa, and the Indiana-Illinois State line.

HEARING: May 26, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 102567 (Sub No. 73), filed January 26, 1959. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo. E. Shaw, First National Bank Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, including, but not limited to, those described in Appendix XII in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Union County, Ark., and those in Webster Parish, La., to points in Kentucky and North Carolina. Applicant is authorized to conduct operations in Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Oklahoma, and Florida.

HEARING: May 28, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner James I. Carr.

No. MC 103378 (Sub No. 120), filed March 16, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol* (methyl alcohol), in bulk, in tank vehicles, from Pace, Fla., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia. Applicant is authorized to conduct operations in Florida, Georgia, South Carolina, North Carolina, Alabama, and Tennessee.

HEARING: May 13, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Allan F. Borroughs.

No. MC 103880 (Sub No. 195), filed April 2, 1959. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Montague, Mich., to points

in Ohio, Kentucky, Indiana, Illinois, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Indiana, Michigan, Ohio, Illinois, Kentucky, Wisconsin, West Virginia, Pennsylvania, Iowa, Missouri, New York, Connecticut, Massachusetts, Kansas, Minnesota, Tennessee, Arkansas, Mississippi, North Carolina, South Carolina, Alabama, Florida, Georgia, Louisiana, Oklahoma, Texas, Rhode Island, Delaware, Maryland, Maine, New Jersey, Vermont, New Hampshire, and Virginia.

HEARING: June 3, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 105750 (Sub No. 3) (REPUBLICATION), filed January 14, 1959. Applicant: SALVADOR D'ANTONI, 1333 Jefferson Highway, Jefferson Parish, La. Applicant's attorney: Robert A. Ainsworth, Jr., National Bank of Commerce Building, New Orleans 12, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup*, in containers, from New Orleans, La., to Ocean Springs, Miss., and *empty containers or other such incidental facilities* used in transporting flavoring syrup and *rejected shipments* thereof, on return. Applicant is authorized to conduct operations in Louisiana, Mississippi, and Alabama.

HEARING: May 26, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 28, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

NOTE: Previously published under NO HEARING.

No. MC 105946 (Sub No. 6), filed April 16, 1959. Applicant: SUPERIOR CARRIERS, a Corporation, Berkshire Valley Road, Kenil, N.J. Applicant's attorney: Jno. R. Sims, Jr., Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, fish and sea animal oils, including products, derivatives, blends and compounds of such oils, and including detergents*, in bulk, in tank vehicles, between Boonton, N.J., on the one hand, and, on the other, points in Maine north of U.S. Highway 302, those in New Hampshire and Vermont more than 300 miles from Boonton, N.J., those in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, North Carolina, South Carolina, Georgia, Ohio, Indiana, Illinois, and those in Virginia south of a line commencing at the Atlantic Ocean and extending along U.S. Highway 60 via Norfolk to Richmond, Va., thence along U.S. Highway 250 to the Virginia-West Virginia State line. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Maryland, Delaware, Connecticut, Vermont, New Hampshire, Virginia, and the District of Columbia.

NOTE: Dual operations may be involved.

HEARING: May 22, 1959, at the Offices of the Interstate Commerce Commission,



Washington, D.C., before Examiner Robert A. Joyner.

No. MC 107128 (Sub No. 19), filed March 20, 1959. Applicant: FAST FREIGHT, INC., 2612 West Morris Street, Indianapolis, Ind. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, with or without their equipment of *tops, covers, stoppers, or caps*, in barrels, or in mixed truckloads with extra *fiberboard boxes*, knocked down or folded flat, not to exceed 10% of the actual weight of the contents of the truck, from Winchester, Ind., to Austin, Minneapolis, and St. Paul, Minn., and *empty pallets, refused, rejected, or damaged shipments* of the above-specified commodities, on return; and (2) *Cabinets* for dairy products, from Minneapolis, Minn., to Indianapolis, Ind., Cincinnati and Columbus, Ohio, and Louisville, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting Cabinets, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 107128 (Sub No. 10) to determine whether applicant's status is that of a common or contract carrier.

HEARING: June 2, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 107272 (Sub No. 17), filed March 2, 1959. Applicant: MONKEM COMPANY, INC., 1206 East Sixth Street, Joplin, Mo. Applicant's attorney: J. F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, (other than liquid) (1) from the site of the plant of Spencer Chemical Company at or near Military, Kans., to points in Missouri, Arkansas, Iowa, Oklahoma, Nebraska, Minnesota, North Dakota, and South Dakota, (2) from Henderson, Ky., to the plant site of the Spencer Chemical Company at or near Military, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting commercial fertilizer on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Tennessee.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract in MC 107272 (Sub No. 14).

HEARING: June 5, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 107591 (Sub No. 1), filed March 27, 1959. Applicant: BECKER COMPANY, INC., 110 East King Street, Lan-

caster, Pa. Applicant's attorney: Edgar R. Barnes, Jr., 110 East King Street, Lancaster, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, stone, stone products, sand and bituminous paving materials*, between points in Cecil County, Md., on the one hand, and, on the other, points in Delaware, and those in Lancaster, Chester, and Delaware Counties, Pa. Applicant is authorized to conduct operations in Delaware, Maryland, and Pennsylvania.

HEARING: May 20, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 108117 (Sub No. 2), filed February 24, 1959. Applicant: WILLIAM PATTERSON, doing business as PATTERSON TRUCKING, Wain Avenue, Yardville, N.J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Baltimore, Md., to Englishtown, N.J. Applicant is authorized to conduct operations in Maryland, New Jersey, and Pennsylvania.

HEARING: May 29, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 283, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 108117 (Sub No. 3), filed February 24, 1959. Applicant: WILLIAM PATTERSON, doing business as PATTERSON TRUCKING, Wain Avenue, Yardville, N.J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer chemicals and fertilizer materials*, in bulk, in dump vehicles, from Bristol and Fairless Hills, Pa., to Englishtown, South Kearny and Yardville, N.J. Applicant is authorized to conduct operations in Maryland, New Jersey, and Pennsylvania.

HEARING: May 29, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 108813 (Sub No. 3), filed March 16, 1959. Applicant: LOUIS MARK SQUICCIMARA, doing business as D & L DELIVERY SERVICE, 230 North 10th Street, Philadelphia, Pa. Applicant's attorney: Morris J. Winokur, Market Street National Bank Building, Juniper and Market Streets, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Printed materials and graphic arts materials*, in packages not exceeding 150 pounds in weight, (1) between King of Prussia, Pa., and Philadelphia, Pa., from King of Prussia over Pennsylvania Highways 23 and 252 to the junction of the Schuylkill Expressway to Philadelphia, and return over the same route, serving no intermediate points; (2) between King of Prussia, Pa., and New York, N.Y., from King of Prussia

over U.S. Highway 202 to the junction of the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the junction of U.S. Highway 1, thence over U.S. Highway 1 to New Brunswick, N.J., and the New Brunswick Interchange of the New Jersey Turnpike, thence over the New Jersey Turnpike to the interchanges of the Holland and Lincoln Tunnels, thence through said tunnels to New York City, and return over the same route, serving no intermediate points, as an alternative route for operating convenience only. Applicant is authorized to transport the above specified commodities between Philadelphia, Pa., and New York, N.Y., serving the intermediate points of Elizabeth and Newark, N.J.

HEARING: May 28, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 109603 (Sub No. 14), filed February 27, 1959. Applicant: LOO MAC FREIGHT LINES, INC., 633 East Street, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Rainsville, Ala., as an intermediate point, and Fyffe, Ala., as an off-route point, in connection with applicant's authorized regular route operations between Huntsville, Ala., and Atlanta, Ga., as reflected in its Certificate No. MC 109603. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, and Tennessee.

HEARING: May 26, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 109638 (Sub No. 12), filed March 3, 1959. Applicant: WOODROW EVERETTE, doing business as W. EVERETTE TRUCK LINE, Washington, N.C. Applicant's attorney: Jno C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass products and bottling supplies*, from points in New Jersey and Pennsylvania, Baltimore, Md., Wilmington, Del., New York, N.Y., and Atlanta, Ga., and the Commercial Zones of each of said municipalities to points in North Carolina on and east of U.S. Highway 29, and *bottles, broken glass and pallets and damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in North Carolina, South Carolina, Virginia, Delaware, New York, New Jersey, Florida, Kentucky, Massachusetts, New Hampshire, Pennsylvania, Maryland, District of Columbia, Alabama, Georgia, Mississippi, Tennessee, and Connecticut.

HEARING: May 22, 1959, at the Sir Walter Hotel, Raleigh, N.C., before Examiner Allan F. Borroughs.

No. MC 109689 (Sub No. 84), filed January 16, 1959. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West,

Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils* used in connection with highway construction, restricted against fuel oils used in internal combustion engines, in bulk, in tank vehicles, from Salt Lake City, Utah, and points within ten (10) miles thereof, to points in Idaho south of the southern border of Idaho County, and *return movement of rejected or contaminated shipments* of the above-described commodity, on return. Applicant is authorized to conduct operations in Utah, Nevada, Idaho, Oregon, Colorado, Montana, Wyoming, California, New Mexico, and Arizona.

**HEARING:** June 1, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 258.

No. MC 109947 (Sub No. 24), filed March 2, 1959. Applicant: WARSAW TRUCKING CO., INC., Warsaw, Ind. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Metal castings and stampings*, between the plant site of the Dalton Foundries, Inc., located at Warsaw, Ind., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Iowa, Kentucky, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Pennsylvania, Michigan, Missouri, Nebraska, and Wisconsin.

**NOTE:** Duplicating authority should be eliminated. A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 109947 (Sub No. 22).

**HEARING:** May 25, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 110328 (Sub No. 6), filed March 24, 1959. Applicant: ROY A. LEIPHART TRUCKING, INC., P.O. Box 203, South 16th Street, Columbia, Pa. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrups*, in drums, from Baltimore, Md., to Lebanon, Lykens, Harrisburg, Lancaster, Reading, Shamokin, Sunbury, York, Hanover, Red Lion, and Hershey, Pa. Applicant is authorized to conduct operations in Delaware, Pennsylvania, Massachusetts, New York, New Jersey, Maryland, Virginia, Connecticut, West Virginia, and the District of Columbia.

**NOTE:** Applicant states that *exempt commodities* will be transported on return.

**HEARING:** May 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 110420 (Sub No. 223), filed March 17, 1959. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Michigan, Ohio, Iowa, Indiana, Illinois, Minnesota, Kansas, Nebraska, Texas, Oklahoma, Kentucky, Missouri, and Arkansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**HEARING:** May 26, 1959, in Room 852, U.S. Custom House, 610 South Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 111069 (Sub No. 25) (CORRECTION), filed December 29, 1958, published issue of April 1, 1959. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Previous publication gave applicant's address as Clarksburg, Ind., in error. The correct address is as above, Clarksville, Ind.

No. MC 111228 (Sub No. 2), filed January 26, 1959. Applicant: FLORENCE F. DAVIS, doing business as DAVIS TRUCKING COMPANY, Pottsville-St. Clair Highway, Pottsville, Pa. Applicant's attorney: George W. Heffner, 501 West Market Street, Pottsville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waylite*, a light aggregate material, from Bethlehem, Northampton County, Pa., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; (2) *cinders*, from points in Carbon and Schuylkill Counties, Pa., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; (3) *broken glass*, from Jersey City, N.J., to points in Pennsylvania. Applicant is authorized to conduct operations in New York, New Jersey, and Pennsylvania.

**HEARING:** May 27, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 111472 (Sub No. 61), filed March 6, 1959. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Agricultural machinery and parts*, from West Bend, Wis., to points in Washington, Oregon, Idaho, Nevada, Utah, Arizona, and California. Applicant is authorized to conduct operations throughout the United States.

**NOTE:** A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common car-

rier, assigned Docket No. MC 111472 (Sub No. 53).

**HEARING:** June 1, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 112020 (Sub No. 58), filed December 21, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax*, in bulk, in specialized equipment, from points in East Baton Rouge Parish, La., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Nebraska, and Oklahoma. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Illinois, Indiana, Colorado, Mississippi, Michigan, Ohio, Wisconsin, New York, Kentucky, and Tennessee.

**HEARING:** June 3, 1959, at the Baker Hotel, Dallas, Texas, before Examiner James I. Carr.

No. MC 112020 (Sub No. 59), filed December 21, 1958. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax*, in bulk, in specialized equipment, from points in East Baton Rouge Parish, La., to points in Arkansas, Missouri, and Texas. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Illinois, Indiana, Colorado, Mississippi, Michigan, Ohio, Wisconsin, New York, Kentucky, and Tennessee.

**HEARING:** June 3, 1959, at the Baker Hotel, Dallas, Texas, before Examiner James I. Carr.

No. MC 112020 (Sub No. 60), filed January 15, 1959. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax*, in bulk, in specialized equipment, from East Baton Rouge Parish, La., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. Applicant is authorized to transport similar commodities in Illinois, Iowa, Missouri, Nebraska, Oklahoma, South Dakota, and Texas.

**HEARING:** June 3, 1959, at the Baker Hotel, Dallas, Texas, before Examiner James I. Carr.

No. MC 112020 (Sub No. 65), filed March 23, 1959. Applicant: COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats*, in bulk, in specialized equipment, from points in Nebraska to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illi-

nois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**HEARING:** June 22, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner James O'D. Moran.

No. MC 112076 (Sub No. 6), filed February 24, 1959. Applicant: **LOWELL H. RASMUSSEN**, Box 105, Monticello, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper ore and concentrates* from the plant site of Texas-Zinc Minerals Corporation located near Mexican Hat, Utah, to Brendel at or near Crescent Junction, Utah. Applicant is authorized to conduct operations in Arizona, Colorado, and Utah.

**HEARING:** June 1, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 112497 (Sub No. 134), filed January 9, 1959. Applicant: **HEARIN TANK LINES, INC.**, 6440 Rawlins Street, P.O. Box 3096 (Istrouma Branch), Baton Rouge, La. Applicant's attorneys: **Wilmer B. Hill** and **Harry C. Ames, Jr.**, Transportation Building, Washington, 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from East Baton Rouge Parish, La., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Nebraska, Oklahoma, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas and Virginia.

**HEARING:** June 3, 1959, at the Baker Hotel, Dallas, Texas, before Examiner James I. Carr.

No. MC 112750 (Sub No. 35), filed February 17, 1959. Applicant: **ARMORED CARRIER CORPORATION**, DeBevoise Building, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: **James K. Knudson**, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commercial papers, documents and written instruments* (except coin, currency, bullion and negotiable securities), as are used in the business of banks and banking institutions, (1) between Kansas City and St. Joseph, Mo., on the one hand, and, on the other, points in Kansas; (2) between points in Newton and Jasper Counties, Mo., on the one hand, and, on the other, Kansas City, Mo. (crossing into Kansas en route for purposes of operating convenience); (3) between Joplin, Mo., on the one hand, and, on the other, points in Cherokee and Crawford Counties, Kans.; (4) between St. Joseph and Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, points in Douglas, Sarpy, Cass, Otoe, Nemaha, Richardson, Johnson,

Pawnee, Lancaster, Gage, and Jefferson Counties, Nebr.; (5) between points in Andrew, Atchison, and Holt Counties, Mo., on the one hand, and, on the other, Lincoln and Omaha, Nebr.; and (6) between St. Joseph, Kansas City, Mo., and Omaha, Nebr., on the one hand, and, on the other, points in Pottawattamie, Mills, and Fremont Counties, Iowa. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, Pennsylvania, Ohio, West Virginia, Massachusetts, Delaware, Maryland, Virginia, the District of Columbia, and Rhode Island.

**HEARING:** June 15, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 113514 (Sub No. 48), filed February 2, 1959. Applicant: **S M I T H TRANSIT, INC.**, 305 Simons Building, Dallas 1, Tex. Applicant's attorney: **W. D. White**, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil and fatty acids of vegetable oil*, liquid, in bulk, in tank vehicles, from Panama City, Fla., to points in Texas and Oklahoma, and *rejected and contaminated shipments* of the above commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

**HEARING:** June 5, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James I. Carr.

No. MC 113779 (Sub No. 92), filed April 13, 1959. Applicant: **YORK INTERSTATE TRUCKING, INC.**, 9020 LaPorte Expressway, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mercaptans* (gas odorents), in bulk, in tank vehicles, from Borger, Tex., to points in South Carolina. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

**HEARING:** May 1, 1959, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Richard H. Roberts.

No. MC 113855 (Sub No. 35), filed March 12, 1959. Applicant: **INTERNATIONAL TRANSPORT, INC.**, Highway 52 South, Rochester, Minn. Applicant's attorney: **Franklin J. Van Osdel**, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel silos and storage tanks*, enamel and/or glass lined, knocked down or in sections, and, when transported in connection with the transportation of such silos, *component parts thereof, including silo loading and unloading devices, and equipment and materials*, incidental to the erection and

completion of such silos, from Kankakee, Ill., and points within five (5) miles thereof, to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, and Alaska. Applicant is authorized to conduct operations throughout the United States, except Texas and Louisiana.

**HEARING:** May 28, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 113855 (Sub No. 36), filed March 13, 1959. Applicant: **INTERNATIONAL TRANSPORT, INC.**, Highway 52 South, Rochester, Minn. Applicant's attorney: **Franklin J. Van Osdel**, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dump trailer bodies, dump bodies, hoists, lift gates, truck cranes and platform truck bodies*, between Streator, Ill., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Nevada, California, Montana, Wyoming, North Dakota, South Dakota, Utah, Colorado, New Mexico, and Arizona. Applicant is authorized to conduct operations throughout the United States, except Texas and Louisiana.

**HEARING:** May 28, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 113855 (Sub No. 37), filed March 13, 1959. Applicant: **INTERNATIONAL TRANSPORT, INC.**, Highway 52 South, Rochester, Minn. Applicant's attorney: **Franklin J. Van Osdel**, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and semi-trailers*, other than house trailers, in initial movements, by the truck-away and towaway methods, between Kewanee, Ill., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Minnesota, North Dakota, South Dakota, Wyoming, Colorado, New Mexico, California, Utah, Nevada, Arizona, Washington, Oregon, Idaho, and Montana. Applicant is authorized to conduct operations throughout the United States, except points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas.

**HEARING:** May 29, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 115311 (Sub No. 17), filed February 24, 1959. Applicant: **J & M TRANSPORTATION CO., INC.** (A Georgia Corporation), P.O. Box 894, Americus, Ga. Applicant's attorney: **J. Douglas Harris**, 413 Bell Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite and marble blocks, pieces, or slabs*, carved, polished or traced and/or granite marble blocks, pieces or slabs, rough quarried or not further finished than sawed, chipped, pitched or scrubbed, in truckloads only, minimum 30,000

pounds, from Elberton and Tate, Ga., and points within a 10 mile radius of each, to Montgomery, Ala., and points within a 10 mile radius thereof. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

**HEARING:** May 27, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 115465 (Sub No. 3), filed January 19, 1959. Applicant: CECIL V. HUFF AND CHARLES W. NORTHCUTT, a Partnership, doing business as H & N SERVICE CO., Box 706, Brewton, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, posts and timber*, treated and untreated, from points in Escambia and Conecuh Counties, Ala., to points in Georgia, Tennessee, Kentucky, Florida, except points in Florida on and west of Florida Highway 71, and New Orleans, La. and points in Jefferson, Orleans, St. Bernard, Plaquemines, St. Charles, St. Tammany, St. John the Baptist, and Lafourche Parishes, La.; and *fertilizer* from New Orleans, La., to points in Escambia County, Ala. Applicant is authorized to conduct operations in Alabama, Florida, and Mississippi.

**HEARING:** May 27, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Mack Myers.

No. MC 115883 (Sub No. 3), filed March 2, 1959. Applicant: ROBERT A. WELSH, White Mills, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from breweries in Trenton, N.J., and Shamokin, Pa., to Baltimore, Md., and *empty beer containers* on return. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

**HEARING:** May 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.

No. MC 116387 (Sub No. 26), filed March 9, 1959. Applicant: ALABAMA TANK LINES, INC., P.O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: H. N. Nunnally, Traffic Manager, 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzene*, in bulk, in tank-vehicles, from Birmingham, Ala., to Gibbstown, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee. Dual operations under Section 210 and common control may be involved.

**HEARING:** May 26, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Mack Myers.

No. MC 117344 (Sub No. 18), filed March 23, 1959. Applicant: THE MAX-

WELL CO., a corporation, 2200 Glendale-Milford Road, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paints, lacquers, and varnishes*, in bulk, from Houston, Tex., to points in Louisiana and Mississippi; (2) *Liquid plastics*, in bulk, from Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, and Tennessee, and (3) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities from the above-described destination points to the respective origin points.

**NOTE:** Applicant has pending contract carrier authority under Permit No. MC 50404 and Subs thereunder. A proceeding has been instituted under section 212(c) in No. MC 50404 (Sub No. 55) to determine whether applicant's status is that of a common or contract carrier. Section 210 (dual authority) may be involved.

**HEARING:** June 4, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 117344 (Sub No. 19), filed March 23, 1959. Applicant: THE MAX-WELL CO., a corporation, 2200 Glendale-Milford Road, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics*, in bulk, from Milwaukee, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, and Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return.

**NOTE:** Applicant has pending contract carrier authority under Permit No. MC 50404 and Subs thereunder. A proceeding has been instituted under section 212(c) in No. MC 50404 (Sub No. 55) to determine whether applicant's status is that of a common or contract carrier. Section 210 (dual authority) may be involved.

**HEARING:** June 3, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 117547 (Sub No. 3), filed February 6, 1959. Applicant: BELL TRANSPORTATION CO., INC., c/o George H. Rosen, Esq., Suite 504, 291 Broadway, New York 7, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (passenger automobiles), in driveway service, from the New York Port of Embarkation at Brooklyn, N.Y., to McGuire Air Force Base, Fort Dix, N.J. Applicant states the grant of authority sought is limited to the transportation of private automobiles of military personnel who have returned to the United States from overseas assignments, which are owned by persons traveling by air under

military orders to points beyond the United States, and which are moving under commercial bills of lading, in driveway service, from McGuire Air Force, N.J., to the New York Port of Embarkation at Brooklyn, N.Y. By this application applicant seeks to operate in the reverse direction and requests a certificate authorizing operation by applicant as a common carrier of automobiles, which are owned by persons traveling by air under military orders from points beyond the United States, and which are moving under commercial bills of lading, in driveway service, from the New York Port of Embarkation at Brooklyn, N.Y., to McGuire Air Force Base, N.J.

**HEARING:** May 27, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 118142 (Sub No. 1), filed March 11, 1959. Applicant: M. BRUENGER & CO., INC., 123 South Rock Island, Wichita, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, vegetables, and berries*, including frozen french fries, and *exempt commodities*, between points in Oregon, Washington, and Idaho, on the one hand, and, on the other, points in Kansas, Missouri, Oklahoma, and Nebraska.

**NOTE:** Applicant states it proposed to transport only exempt commodities on return movements.

**HEARING:** June 10, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 118372 (Sub No. 3), filed March 18, 1959. Applicant: GENE SQUIRES, doing business as GENE SQUIRES TRUCKING CO., 5614 East 11th Street, Kansas City 26, Mo. Applicant's attorney: Carl V. Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Delta and Loveland, Colo., to points in Kansas and Missouri. *Canned goods*, from points in Washington, Oregon, Utah, California, and Colorado, except La Jara, La Junta, and Crowley, Colo., to points in Kansas and Missouri.

**HEARING:** June 11, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 118487, filed December 24, 1958. Applicant: CLINTON P. SHANE AND CLAYTON G. SHANE, doing business as SHANE BROS., P.O. Box 444, Truckee, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy equipment and machinery*, used principally in excavation, road construction, and logging, and requiring special equipment for its transportation, between points in Lassen, Sierra, Nevada, Placer, Eldorado, Alpine, Mono, and Inyo Counties, Calif., and points in Washoe, Ormsby, Douglas, Lyon, Churchill, and Pershing Counties, Nev.

**HEARING:** June 9, 1959, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78.



No. MC 118570, filed January 21, 1959. Applicant: ANDREW E. FUNK, doing business as CARRYALL, 1010 Elmira Street, White Haven, Luzerne County, Pa. Applicant's attorney: Martin J. O'Donnell Freeland, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cinders, screenings and slag*, from points in Foster and Hazle Townships, Pa., to points in Lyndhurst, East Orange, Ridgefield, and Morristown, N.J., and (2) *Sand*, from Mine Hill, N.J. to points in Foster Township, Pa.

HEARING: May 29, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 118647, filed January 13, 1959. Applicant: WILLIAM D. AGE, 1920 College Street, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Galveston, Tex., to Springfield and Kansas City, Mo.

NOTE: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: May 27, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner James I. Carr.

No. MC 118649, filed January 15, 1959. Applicant: AMERICAN TRUCKING COMPANY, a Corporation, 1120 South Central Expressway, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, between points in Florida, Texas, and California.

NOTE: The subject application was tendered under Section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act, it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: June 2, 1959, at the Baker Hotel, Dallas, Texas, before Examiner James I. Carr.

No. MC 118651, filed December 17, 1958. Applicant: B. M. BOYER, Sloan, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, and tea*, from points in California, Washington, Texas, Arizona, and Michigan, and from New York, N.Y., Philadelphia, Pa., Boston, Mass., and Chicago, Ill., to points in Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Illinois, Missouri, and Michigan, and from Yakima, Wash., to Denver, Colo.

NOTE: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of the Act it will be handled as an application

for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: June 9, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 118656, filed December 15, 1958. Applicant: F. E. EBELING, 11308 East 45th Terrace, Kansas City, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from Muskegan, Traverse City, Benton Harbor, and Cadillac, Mich., Charleston, W. Va., and Winchester, Va., and points within 60 miles of each of these points, and points in Pennsylvania on and west of U.S. Highway 15, to St. Joseph and Kansas City, Mo., Des Moines, Iowa, Wichita, Kans., and McCook and Fairbury, Nebr.

NOTE: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: June 8, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 118678, filed December 29, 1958. Applicant: JOHN NAGELKIRK, 307 South 120th Avenue, Holland, Mich. Applicant's attorney: G. M. Van Peursem, Holland, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Biloxi, Miss., to Grand Rapids, Mich.

NOTE: Applicant states that his operations hauling Bananas were conducted during the fall and winter months. The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: May 27, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner James I. Carr.

No. MC 118686, filed January 19, 1959. Applicant: FRANK SEPULVEDA AND JESSEE SEPULVEDA, doing business as WEST COAST PRODUCE CO., 1500 South Zarzamora, San Antonio, Tex. Applicant's attorney: Marion R. McClanahan, 1715 Transit Tower, San Antonio 5, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from New Orleans, La., to San Antonio, Texas; (2) from Laredo, Tex., to Los Angeles, Calif.

NOTE: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

HEARING: May 27, 1959, at the Federal Office Building, 600 South Street,

New Orleans, La., before Examiner James I. Carr.

No. MC 118724, filed February 13, 1959. Applicant: BROOKS TRAPPLO, doing business as BROOKS TRAPPLO HAULING SERVICES, 2568 North Myrtlewood Street, Philadelphia, Pa. Applicant's representative: Lenwood W. Harris, 1835 Morris Street, Philadelphia 45, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, furnishings and furniture*, from Philadelphia, Pa., to points in New Jersey, Delaware, Maryland, and Washington, D.C., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: May 22, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 118737, filed February 27, 1959. Applicant: GEORGE AIGNER & SONS, INC., 1931 Roscoe Street, Chicago, Ill. Applicant's representative: John W. Wurster, Traffic Consultant, 30 North La Salle Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, and Wisconsin.

NOTE: Applicant is authorized to conduct operations as a partnership under the Second Proviso of section 206(a)(1), No. MC 99650; it has filed a request for revocation of said filing conditional upon the granting of the authority herein proposed.

HEARING: May 22, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 118782 (Sub No. 1), filed March 17, 1959. Applicant: KERN L. SMITH, P.O. Box 1101, York, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boxed meats*, from Baltimore, Md., to points in Alabama, Louisiana, and Mississippi.

HEARING: May 28, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.

No. MC 118798, filed March 19, 1959. Applicant: HERBERT H. GRELLNER, Rich Fountain, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria and Chicago, Ill., St. Paul, Minn., Milwaukee, Wis., and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to Tolla, Union, Arnold, Jefferson City and Rich Fountain, Mo., and *empty containers or other such inci-*



*dental facilities* (not specified) used in transporting malt beverages on return.

**HEARING:** June 19, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 118800, filed March 19, 1959. Applicant: U. GRANT ROBERTS, 517 West Sixth Street, Cameron, Mo. Applicant's attorney: Carl V. Kretsinger, 1014-18 Temple Building, Kansas City 8, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk or bags, from Atchison, Kans., to points in Missouri, Nebraska, South Dakota, and Wyoming; and *Bentonite*, in bulk or bags, from Casper, Wyo., to Atchison, Kans.

**HEARING:** June 19, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James O'D. Moran.

No. MC 118802, filed March 20, 1959. Applicant: MILLARD EPLEY, 602 Estauha Avenue, Westmont, Camden County, N.J. Applicant's attorney: Morris J. Winokur, Market Street National Bank Building, Juniper and Market Streets, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and building materials*, in bulk, from points in Philadelphia, Delaware, Chester, Lancaster, York, Montgomery, Bucks, Lehigh, Northampton, and Carbon Counties, Pa., to points in New Jersey and Delaware.

**HEARING:** June 1, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 118803, filed March 20, 1959. Applicant: ATLANTIC TRUCK LINES, INC., 1125 Northwest 71st Street, Miami, Fla. Applicant's attorney: William P. Simmons, Jr., First National Bank Building, Miami 32, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing materials, metal working tools, other than power, sheet metal and sheet metal products, raincarrying and air conditioning and heating materials and products*, from East Walpole, Mass., New York, Long Island City, Newburgh, Cossackie, and Rochester, N.Y., Newark and Clark, N.J., Philadelphia, Lancaster, and Pittsburgh, Pa., Wheeling, W. Va., Chicago, Ill., Baltimore, Md., Richmond, Va., Charleston, S.C., Atlanta, Ga., Birmingham and Gadsden, Ala., Jackson, Miss., and Shreveport, La., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, and those in Florida south and east of the Suwanee River; (2) *floor coverings of tiles and linoleums and tools and supplies* used in connection with their installation, from East Walpole, Mass., New York, N.Y., South Plainfield, N.J., Chicago, Ill., Philadelphia, Pa., and Jackson, Miss., to points in Florida south and east of the Suwanee River, and *refused and damaged shipments* of the above specified commodities on return.

**HEARING:** May 29, 1959, at the Offices of the Interstate Commerce Commission,

Washington, D.C., before Examiner Robert A. Joyner.

No. MC 118817, filed March 23, 1959. Applicant: WAYNE CARRIERS, INC., Wayne, Pa. Applicant's attorney: Harry H. Frank, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Indoor and outdoor seating, folding partitions, backstops, fence, or parts thereof, and other wood and/or metal products, or parts thereof*, fabricated, processed or assembled by Wayne Iron Works, and *tools, equipment, materials and supplies* necessary for the installation of the foregoing items, of display materials, equipment and supplies of Wayne Iron Works for use at trade shows, from Wayne, Pa., to points in the United States, including Alaska, and *refused or rejected products, installation tools, equipment, materials and supplies, and display materials, equipment and supplies* beforementioned on return; (2) *raw materials, equipment and supplies and partly processed products to be used in fabricating, processing or assembling of the items in (1) above*, from points in the United States, including Alaska, to Wayne, Pa.

**NOTE:** Applicant states that the proposed service will be conducted under a continuing contract or contracts with Wayne Iron Works of Wayne, Pa.

**HEARING:** June 3, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

No. MC 118865 filed April 10, 1959. Applicant: CEMENT EXPRESS, INC., Hokes Mill Road and Lemon Street, York, Pa. Applicant's representative: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Cement* (Portland, Hydraulic, and Masonry), in bulk, in tank vehicles, and in bags, from the site of the Medusa Portland Cement Company plant at or near York, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting cement, on return.

**NOTE:** Applicant states that all of applicant's stockholders and officers are also officers of Tose, Inc.; one such officer also being a controlling stockholder of Tose, Inc., the latter being a common motor carrier operating pursuant to Certificates issued by the Commission in MC 41706 and MC 41706 (Sub No. 2) on March 21, 1950 and September 13, 1957, respectively. The stockholders and officers of the applicant are filing concurrently herewith an application under section 5 of the Interstate Commerce Act, seeking the Commission's approval of control of the applicant. Dual authority under Section 210 may be involved. Applicant further states the proposed service is to be performed under a continuing contract with the Medusa Portland Cement Co., of Cleveland, Ohio.

**HEARING:** May 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118869, filed April 13, 1959. Applicant: READING DISPATCH, INC., Reading Terminal, 12th and Market Streets, Philadelphia 7, Pa. Applicant's attorney: Lockwood W. Fogg, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper type vehicles, *cement*, in bags, packages or other containers, from points in Berks, Lehigh, and Montgomery Counties, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *returned shipments, pallets, and empty containers or other such incidental facilities* (not specified) used in transporting cement on return.

**HEARING:** May 13, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 118870, filed April 14, 1959. Applicant: LNE TRANSPORT COMPANY, a Delaware Corporation, Anthracite Building, Bethlehem, Pa. Applicant's attorney: George G. Parry, Jr., 1719 Packard Building, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic or masonry cement*, in bulk, in tank or hopper type vehicles, and in bags, packages or other containers, from points in Northampton County, Pa., to points in New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

**HEARING:** May 12, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 74761 (Sub No. 9), filed April 3, 1959. Applicant: TAMiami TRAIL TOURS, INC., 1010 East La Fayette Street, Tampa, Fla. Applicant's attorney: John W. Wilcox, Jr., Rhodes-Haverty Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers*, in the same vehicle with passengers, (1) between Cairo, Ga., and the junction of U.S. Highway 27 and Georgia Highway 111, from Cairo over Georgia Highway 111 to the junction of U.S. Highway 27, and return over the same route, serving all intermediate points; and (2) between junction Georgia Highways 111 and 179 and Calvary, Ga.; over Georgia Highway 179, serving no intermediate points. Applicant is authorized to conduct operations in Alabama, Florida, and Georgia.

**HEARING:** May 11, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101.

No. MC 106170 (Sub No. 1), filed November 3, 1958. Applicant: SCENIC TOURS, INC., doing business as GRAY LINE OF RENO, a Corporation, 1675 Mill Street, Reno, Nev. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, and express, mail and newspapers*, in the same vehicle with passengers, between Reno, Nev., and Mt. Rose Ski Bowl, and Reno Ski Bowl, Nev., from Reno over U.S. Highway 395 to junction Nevada Highway 27, thence over Nevada Highway 27 to Mt. Rose Ski Bowl; and thence from Mt. Rose Bowl over an unnumbered highway approximately 2.2 miles to Reno Ski Bowl, and return over the same routes, serving the intermediate points between the junction of U.S. Highway 395 and Nevada Highway 27 and Reno Ski Bowl, including the junction of U.S. Highway 395 and Nevada Highway 27. Applicant is authorized to conduct irregular route operations in California and Nevada.

HEARING: June 5, 1959, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 128.

No. MC 106170 (Sub No. 2), filed November 28, 1958. Applicant: SCENIC TOURS, INC., doing business as GREY LINE OF RENO, 1675 Mill Street, Reno, Nev. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special or charter operations, consisting of round-trip sightseeing or pleasure tours, beginning and ending at points in Placer and El Dorado Counties, Calif., within 20 miles of California Highway 89 (except no pick up or discharge of passengers authorized at any point on U.S. Highway 50 west of the junction of U.S. Highway 50 and California Highway 89), and extending to other points in Placer and El Dorado Counties, Calif., as above described, and points in Storey, Ormsby, and Washoe Counties, Nev. Applicant is authorized to conduct similar operations in Nevada and California.

NOTE: Applicant states it is affiliated with Virginia-Truckee Transit Company, a Nevada Corporation, Docket No. MC 2242; therefore, common control may be involved.

HEARING: June 8, 1959, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78.

No. MC 106170 (Sub No. 3), filed March 4, 1959. Applicant: SCENIC TOURS, INC., doing business as GRAY LINE OF RENO, 1675 Mill Street, Reno, Nev. Applicant's attorneys: Bertram S. Silver and Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special or charter operations, (1) between Reno, Nev., Truckee, Tahoe City, and Squaw Valley, Calif.; and (2) between Reno, Nev., and Tahoe City, Calif. Applicant is authorized to conduct operations in California and Nevada.

NOTE: Applicant states it proposes to operate in one way movements in either direction, without requiring passengers to make round trip tours.

HEARING: June 10, 1959, at the Nevada Public Service Commission, Carson City, Nev., before Joint Board No. 78.

No. MC 116212 (Sub No. 2), filed March 20, 1959. Applicant: HARRY LEE EYRE, JR., Woodbine, Md. Applicant's attorney: Milton E. Diehl, 1383 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* (including musical instruments when accompanied by owners), in charter or special operations, (1) beginning and ending at Woodbine, Md., and points within 10 miles thereof and extending to points in Virginia; (2) beginning and ending at points in Howard County, Md. (except those within 10 miles of Woodbine, including Woodbine), and extending to points in Virginia; (3) beginning and ending at Laytonsville and Gaithersburg, Montgomery County, Md., and extending to points in Virginia, Pennsylvania, and the District of Columbia. Applicant is authorized to conduct operations in Maryland, Pennsylvania, and the District of Columbia.

HEARING: May 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 118718, filed February 20, 1959. Applicant: FRANCIS T. BRANDIS, 6835 Chester Avenue, Philadelphia 42, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, during the period June 1 through October 1 of each year, beginning and ending at Philadelphia, Pa., and extending to ports of entry located on the international boundary line between the United States and Canada in New York.

NOTE: Applicant states that the vehicle to be used will seat 8 passengers, not including the driver thereof.

HEARING: June 3, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 42, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 118815, filed March 24, 1959. Applicant: BRIDGETON TRANSIT, a Corporation, 690 North Pearl, Bridgeton, N.J. Applicant's attorney: Robert G. Howell, 102 West Broad Street, Bridgeton, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (migrant workers), and their baggage in the same vehicle, between points in Cumberland, Gloucester and Salem Counties, N.J., and points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania,

Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant is authorized to conduct operations as a common carrier under Certificate No. MC 106798 Sub No. 3 transporting passengers and their baggage between Bridgeton, N.J., and New York, N.Y.; dual operations under section 210 may be involved.

HEARING: June 2, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner William E. Messer.

#### APPLICATION FOR BROKERAGE LICENSE

##### MOTOR CARRIER OF PASSENGERS

No. MC 12697, filed March 5, 1959. Applicant: ESTHER BRIGGS DEJA JAMES, 460 Seventh Avenue, Salt Lake City, Utah. Authority sought to operate as a *Broker* (BMC 5) at Salt Lake City, Utah, in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Passengers and their baggage*, in special or charter service, in round trip all-expense tours, beginning and ending at Salt Lake City, Utah, and extending to points in the United States.

HEARING: June 2, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

##### MOTOR CARRIERS OF PROPERTY

No. MC 3083 (Sub No. 31), filed April 9, 1959. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, a Tennessee Corporation, 277 Monroe Avenue, P.O. Box 66, Memphis 3, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency and other valuables*, in armored vehicles, escorted by armed guards, between Memphis, Tenn., on the one hand, and, on the other, points in Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, DeSoto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, and Yalobusha Counties, Miss., those in Craighead, Crittenden, Cross, Lawrence, Lee, Mississippi, Phillips, Poinsett, St. Francis, and Woodruff Counties, Ark., and those in Dunklin and Pemiscott Counties, Mo. Applicant is authorized to conduct operations in West Virginia, Kentucky, Georgia, South Carolina, Arkansas, Missouri, Tennessee, and Mississippi.

NOTE: Duplication of authority should be eliminated.

No. MC 19227 (Sub No. 68), filed April 17, 1959. Applicant: LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th Street, Miami 42, Fla. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Missiles, space vehicles, space satellites, and parts thereof* requiring special equipment for their transportation; *equipment and parts* of such missiles, space vehicles and satellites and mobile launching, guidance, monitoring, and control units, when such equipment, parts, and units are incidental to, and transported in connection with, such missiles, space vehicles, or satellites; and the return of *shipper-owned or Government-owned trailers* which have been used in the outbound transportation of the foregoing commodities, between points in San Diego County, Calif., and Patrick Air Force Base (Cape Canaveral), Fla.

No. MC 30319 (Sub No. 101), filed April 8, 1959. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, A CORPORATION, 810 North San Jacinto Street, P.O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Orange, Tex., and Vidor, Tex., serving the new plant site of Gulf States Utilities Co., as an off-route point: from Orange over Texas Farm Road 105, southwesterly for approximately seven (7) miles, thence south over unnumbered road, approximately three (3) miles, to plant site; and on return, north over same unnumbered road to its intersection with Texas Farm Road 105, and thence northwesterly over said Road 105 to Vidor, and vice versa. Applicant is authorized to conduct operations in Louisiana and Texas.

NOTE: Applicant states it presently operates between Orange and Vidor over U.S. Highway 90 (closed door); and that the new plant site is the only new or additional point that would be served under the instant application.

No. MC 42487 (Sub No. 395), filed March 30, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Ore. Applicant's attorney: Donald A. Schafer, 1026 Public Service Building, Portland, Ore. R. E. Poelman, Director of Commerce Activities, Consolidated Freightways, Inc., 431 Burgess Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except livestock, household goods as defined by the Commission, and commodities requiring special equipment, and liquid petroleum products, in bulk, in tank trucks, (1) between Dillon, Mont., and Boulder, Mont., from Dillon over Montana Highway 41 to junction unnumbered highway north of Silver Star, Mont., thence over unnumbered highway to Boulder, and return over the same route, serving no intermediate points, (2) between junction Montana Highway 41 and unnumbered highway five miles northeast of Silver Star, Mont., and junction Montana Highway 41 and U.S. Highway 10-S, 23

miles southeast of Butte, Mont., over Montana Highway 41, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Seattle, Wash., and St. Paul, Minn., and proposed route (1) above. Applicant also requests, in connection with both proposed routes, right of joinder at junction with its present regular route over U.S. Highway 10-S. Applicant is authorized to conduct operations in Arizona, California, Idaho, Illinois, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

No. MC 59454 (Sub No. 3), filed April 10, 1959. L. CIERCIELLI & SON, INCORPORATED, 1717 State Street, Hamden, Conn. Applicant's attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks, concrete blocks, concrete and cinder channel planks* (roof slabs), *cinder block dox* (floor and roof beams), and *manhole blocks*, from Hamden and Waterbury, Conn., to points in New Hampshire, Vermont, and Maine; *Brick*, from North Haven and Hamden, Conn., to points in New York, New Jersey, Maine, Vermont, and New Hampshire; and *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island.

No. MC 66562 (Sub No. 1483), filed March 19, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) Between Port Jervis, N.Y., and Junction of New York highway 17 and U.S. Highway 209, over U.S. Highway 209, serving no intermediate points; (2) Serving the off-route point of Monticello, N.Y., in connection with applicant's authorized regular route operations between Middletown, N.Y., and Roscoe, N.Y. Applicant is authorized to conduct operations throughout the United States.

No. MC 108194 (Sub No. 6), filed April 13, 1959. Applicant: WILLIAM B. MEYER, INCORPORATED, 30 Moffitt Street, Stratford, Conn. Applicant's attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, dairy products and articles distributed by meat packing houses* as defined by the Commission, from Stratford, Conn., to points in Connecticut, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant states

service to be limited to commodities which have had an immediately prior movement by rail or truck. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

No. MC 110988 (Sub No. 59), filed April 8, 1959. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid legume inoculation* (liquid cultures of Nitrogen-Fixing Bacteria), in bulk, in tank vehicle, from Milwaukee, Wis., to Minneapolis, Minn. Applicant is authorized to conduct operations in Wisconsin, Illinois, Georgia, Louisiana, Missouri, Oklahoma, Texas, Nebraska, Minnesota, Iowa, Indiana, Michigan, Ohio, Kentucky, Arkansas, Kansas, Tennessee, and Florida.

No. MC 118861, filed April 7, 1959. Applicant: H. L. DRAPER TRUCKING, INC., Holland, N.Y. Applicant's attorney: William C. Arrison, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders, sand, gravel, stone, and slag, including such commodities when coated with asphalt*, in bulk, in dump motor vehicles, from points in Cattaraugus County, N.Y., to points in McKean and Potter Counties, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 162), filed March 23, 1959. Applicant: THE GREYHOUND CORPORATION (A Delaware Corporation), 5600 Jarvis Avenue, Chicago 48, Ill. Applicant's attorney: Earl A. Bagby, 371 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between the points and in both directions over the routes hereinafter set forth, serving all intermediate points.

B—Proposals: 1. *Proposed rerouting of segment of Route No. 8, serving Otter Rock, as shown on Sheet No. 60.* (1) (Present certificate sheet number is 55, but has been shown herein as Sheet No. 60 to agree with the applicable sheet number as proposed in pending Petition for Reconsolidation filed with the Commission on April 21, 1958, and with pending Form BMC-78 application, Docket No. MC 1501 (Sub No. 153), filed with the Commission on October 20, 1958.) Re-route a segment of Route No. 8 between a point just north of Otter Rock, herein referred to as North Otter Rock Junction, and a point just south of Otter Rock, herein referred to as South Otter Rock Junction, over U.S. Highway 101 to by-pass Otter Rock.

1.1 *Present Authorization:* (a) As shown in Fifth Revised Certificate: "8. Between Portland and the Oregon-California State line: From Portland over U.S. Highway 99 to junction U.S. Highway 99W (North Tigard), thence over U.S. Highway 99W to junction Oregon Highway 18 (McMinnville Junction), thence over Oregon Highway 18 to junction U.S. Highway 101 (Otis Junction), thence over U.S. Highway 101 to the Oregon-California State line. (Connects with California route 1.)" (b) As shown in Letter-Notice pursuant to Rule 49 C.F.R. 211.1, dated February 26, 1959, which revision has not, as yet, been shown in the certificate: "8. Between Portland and the Oregon-California State line: From Portland over U.S. Highway 99 to junction U.S. Highway 99W (North Tigard), thence over U.S. Highway 99W to junction Oregon Highway 18 (McMinnville Junction), thence over Oregon Highway 18 to junction U.S. Highway 101 (Otis Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Otter Rock Junction), thence over unnumbered highway via Otter Rock to junction U.S. Highway 101 (South Otter Rock Junction), thence over U.S. Highway 101 to the Oregon-California State line. (Connects with California route 1.)" (c) As proposed in pending Form BMC-78 application, Docket No. MC-1501 (Sub-No. 153): "8. Between North Tigard and the Oregon-California State line: From junction U.S. Highway 99 and U.S. Highway 99W (North Tigard), over U.S. Highway 99W to junction Oregon Highway 18 (McMinnville Junction), thence over Oregon Highway 18 to junction U.S. Highway 101 (Otis Junction), thence over U.S. Highway 101 to the Oregon-California State line. (Connects with California route 1.)"

1.2 *Requested Certificate Revision:* Readopt Route No. 8 as shown in the Fifth Revised Certificate No. MC 1501 (Sub No. 138) in lieu of the route described in said letter-notice. Said Route No. 8 would accordingly be stated as of the current date, after including proposal in said pending application, Docket No. MC 1501 (Sub No. 153), as follows: "8. Between North Tigard and the Oregon-California State line: from junction U.S. Highway 99 and U.S. Highway 99W (North Tigard), over U.S. Highway 99W to junction Oregon Highway 18 (McMinnville Junction), thence over Oregon Highway 18 to junction U.S. Highway 101 (Otis Junction), thence over U.S. Highway 101 to the Oregon-California State line. (Connects with California route 1.)"

1.3 *Related Authorized Routes:* The proposed route over U.S. Highway 101 between North Otter Rock Junction and South Otter Rock Junction will constitute a segment of said Route No. 8 and, in effect, is a partial rerouting of said Route No. 8 between these points over relocated U.S. Highway 101 in lieu of the presently authorized route over former U.S. Highway 101 through Otter Rock, which highway is now an unnumbered highway. This segment of the proposed route connects with present Route No. 8 at each of its termini.

2. *Proposed revocation of authority to operate the segment of Route No. 8 through Otter Rock, shown on Sheet No. 60.* (1) (See Proposal 1, supra.)

2.1 *Present Authorization:* Same as stated in Proposal 1.1, supra.

2.2 *Requested Certificate Revision:* No change is proposed if Proposal 1, supra, is adopted. The reauthorization of Route No. 8 as of the current date as herein proposed will serve to eliminate the segment thereof through Otter Rock via former U.S. Highway 101, now an unnumbered highway. As shown, this proposal is to relocate Route No. 8 over relocated U.S. Highway 101 by-passing Otter Rock, thus revoking the route through Otter Rock.

2.3 *Related Authorized Routes:* This route is presently authorized as a segment of Route No. 8 and connects at each terminus with said Route No. 8.

3. *Proposed Revision of Route No. 14, Sheet No. 60.* (1) (See Proposal 1, supra.)

3.1 *Present Authorization:* (a) As shown in Fifth Revised Certificate: "14. Between Portland and the Oregon-California State line: from Portland over U.S. Highway 99E to Junction City, thence over U.S. Highway 99 to the Oregon-California State line. (Connects with California route 41.)" (b) As shown in Letter-Notice pursuant to Rule 49 C.F.R. 211.1, dated August 26, 1958, which revision has not, as yet, been shown in the certificate: "14. Between Portland and the Oregon-California State line: from Portland over U.S. Highway 99E to junction U.S. Highway 99 (North Salem Junction), thence over U.S. Highway 99 to junction Oregon Highway 231 (Goshen Junction), thence over Oregon Highway 231 to junction U.S. Highway 99 (Divide), thence over U.S. Highway 99 to junction Oregon Highway 38 (Comstock), thence over Oregon Highway 38 to Drain, thence over Oregon Highway 235 to junction U.S. Highway 99 (Yoncalla Junction), thence over U.S. Highway 99 to junction Oregon Highway 235 (Oakland Junction), thence over Oregon Highway 235 to Winchester, thence over Business Route U.S. Highway 99 to junction Oregon Highway 42N (Shady Interchange), thence over Oregon Highway 42N to Winston, thence over unnumbered highway to junction U.S. Highway 99 (Booth Ranch), thence over U.S. Highway 99 to the Oregon-California State line. (Connects with California route 41.)" (c) As shown in Letter-Notice pursuant to Rule 49 C.F.R. 211.1, dated February 26, 1959, which revision has not, as yet, been shown in the certificate: "14. Between Portland and the Oregon-California State line: From Portland over U.S. Highway 99E to junction U.S. Highway 99 (North Salem Junction), thence over U.S. Highway 99 to junction Oregon Highway 231 (Goshen Junction), thence over Oregon Highway 231 to junction U.S. Highway 99 (Divide), thence over U.S. Highway 99 to junction Oregon Highway 38 (Comstock), thence over Oregon Highway 38 to Drain, thence over Oregon Highway 235 to junction U.S. Highway 99 (Yoncalla Junction), thence over U.S. Highway 99 to junction Oregon Highway 235 (Oakland Junction), thence over U.S. Highway 99 to junction Oregon Highway 42N (Shady Interchange), thence over Oregon Highway 42N to Winston, thence over unnumbered highway to junction U.S. Highway 99 (Booth Ranch), thence over U.S. Highway 99 to the Oregon-California State line. (Connects with California route 41.)"

tion), thence over Oregon Highway 235 to Winchester, thence over Business Route U.S. Highway 99 to junction Oregon Highway 42N (Shady Interchange), thence over Oregon Highway 42N to Winston, thence over unnumbered highway to junction U.S. Highway 99 (Booth Ranch), thence over U.S. Highway 99 to junction unnumbered highway north of Myrtle Creek (Myrtle Creek Junction), thence over unnumbered highway to junction U.S. Highway 99 southwest of Tri City (Tri City Junction), thence over U.S. Highway 99 to junction unnumbered highway (Jump Off Joe Creek), thence over unnumbered highway to junction U.S. Highway 99 (Merlin Junction), thence over U.S. Highway 99 to the Oregon-California State line. (Connects with California route 41.)" (d) As proposed in pending Form BMC-78 application, Docket No. MC 1501 (Sub No. 153), filed October 20, 1958, wherein Sheet No. 55 of said certificate was shown as Sheet No. 60 to agree with applicable sheet number proposed in pending Petition for Reconsolidation filed April 21, 1958: "14. Between Portland and the Oregon-California State line: From Portland over U.S. Highway 99 to the Oregon-California State line. (Connects with California route 41.)"

3.2 *Requested Certificate Revision:* (a) Establish regular routes over relocated portions of U.S. Highway 99: (1) Between a point just north of Myrtle Creek, herein referred to as Myrtle Creek Junction, and a point southwest of Tri City, herein referred to as Tri City Junction; and (2) Between a point north of Pleasant Valley, herein referred to as Jump Off Joe Creek, and a point north of Grants Pass, herein referred to as Merlin Junction. (b) Redescribe Route No. 14 in the interest of simplification. The proposed regular routes to be authorized by establishing a new regular Route No. 14 entirely over U.S. Highway 99 between Portland and the Oregon-California State line, in lieu of the presently certificated regular Route No. 14 as modified by said letter-notices, which, after including the proposal of said application in Docket No. MC 1501 (Sub No. 153), would be shown on an appropriate revised Sheet No. 60 and which would read as follows: "14. Between Portland and the Oregon-California State line: From Portland over U.S. Highway 99 to the Oregon-California State line. (Connects with California route 41.)"

3.3 *Related Authorized routes:* The proposed route over U.S. Highway 99 will include the proposed segments of routes which, in effect, are partial reroutings of said present Route No. 14 over the relocated portions of U.S. Highway 99 in lieu of the presently authorized routes over former U.S. Highway 99 which are now unnumbered highways. These new segments connect with present Route No. 14 at each terminus.

4. *Proposed reauthorization of two segments of Route No. 14 to be shown on previously proposed Sheet No. 60A.* (This sheet proposed in Pending Form BMC-78 application, Docket No. MC 1501 (Sub No. 153), filed with the Commission on October 20, 1958, and was numbered therein to conform to proposal of



pending Petition for Reconsolidation, filed with the Commission on April 21, 1958, wherein it was proposed that present Sheet No. 55 be numbered as Sheet No. 60.)

4.1 *Present Authorization*: Same as is stated in Proposal 3.1, supra.

4.2 *Requested Certificate Revision*: If Proposal 3 is adopted, reauthorize the concerned segments of regular Route No. 14 to be numbered and shown on a Sheet No. 60A as follows: (Subject to adoption of relevant proposals in Form BMC-78 application, Docket No. MC 1501 (Sub No. 153), where Sheet No. 60A was originally proposed.) (a) "14G. Between Myrtle Creek Junction and Tri City Junction: From junction U.S. Highway 99 and unnumbered highway north of Myrtle Creek (Myrtle Creek Junction), over unnumbered highway via Myrtle Creek and Tri City to junction U.S. Highway 99 southwest of Tri City (Tri City Junction)." (b) "14H. Between Jump Off Joe Creek and Merlin Junction: From junction U.S. Highway 99 and unnumbered highway (Jump Off Joe Creek), over unnumbered highway via Pleasant Valley to junction U.S. Highway 99 (Merlin Junction)."

4.3 *Related Authorized Routes*: The proposed routes are presently authorized segments of regular Route No. 14 and, as proposed, will connect at each terminus with present Route No. 14 and with Route No. 14 as proposed to be revised in Proposal 3, supra. Applicant is authorized to conduct operations throughout the United States.

**NOTE**: The changes in operating authority hereinafter shown, and explained are proposed to be incorporated in the designated revised sheets to said Certificate No. MC 1501 (Sub No. 138).

No. MC 1501 (Sub No. 163), filed April 13, 1959. Applicant: THE GREYHOUND CORPORATION, a Delaware Corporation, 5600 Jarvis Avenue, Chicago 48, Ill. Applicant's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between the points and in both directions over the routes hereinafter set forth, serving all intermediate points:

*Proposals*: 1. *Proposed Addition of a Route No. 229*. Establish an additional regular route between the junction of U.S. Highway 101 and California Highway 15, and Long Beach, over California Highway 15.

1.1 *Present Authorization*: Not presently authorized.

1.2 *Requested Certificate Revision*: Pursuant to the foregoing, establish the following regular route: "229. Between Los Angeles and Long Beach: From Los Angeles over U.S. Highway 101 to junction California Highway 15 (Long Beach Freeway Junction), thence over California Highway 15 to Long Beach."

1.3 *Related Authorized Routes*: The proposed route connects with Routes Nos. 116, 201, 210, 230, 232, 257 and 258 at Los Angeles, and with Routes Nos. 218, 227, 230, and 231 at Long Beach. In order to

eliminate a duplication of routes, as hereinafter shown in Proposal 2, the northern terminus of presently authorized Route No. 233 is proposed to be changed from "Los Angeles" to "Long Beach Freeway Junction", connecting with the proposed route at the latter point.

2. *Proposed Revision of Route No. 233*. If Proposal 1, supra, is adopted, change the northern terminus of present Route No. 233 from "Los Angeles" to "Long Beach Freeway Junction", deleting that portion of present route between these points and revise the route description accordingly.

2.1 *Present Authorization*: "233. Between Los Angeles and Miraflores: From Los Angeles over U.S. Highway 101 to Miraflores. Service is not authorized at intermediate points except to and from Knott's Berry Farm Junction, La Palma Avenue Junction, and Disneyland Junction for purposes of joinder only."

2.2 *Requested Certificate Revision*: Pursuant to the foregoing, redescribe Route No. 233, as follows: "233. Between Long Beach Freeway Junction and Miraflores: From junction California Highway 15 and U.S. Highway 101 (Long Beach Freeway Junction), over U.S. Highway 101 to Miraflores. Service is not authorized at intermediate points, except to and from Knott's Berry Farm Junction, La Palma Avenue Junction, and Disneyland Junction for purposes of joinder only."

2.3 *Related Authorized Routes*: Route No. 233 as herein proposed to be redescribed connects with proposed Route No. 229 at Long Beach Freeway Junction and with authorized Route No. 232 at Miraflores as well as Route No. 233A at Knott's Berry Farm Junction and Route No. 233B at Disneyland Junction.

**NOTE**: Applicant states that the changes in operating authority shown above are proposed to be incorporated in a Third Revised Sheet No. 43 to Certificate No. MC 1501 Sub 138.

#### APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F 7157. Authority sought for control and merger by P. S. DUBREY TRUCKING CO., INC., 539 Hartford Turnpike, Shrewsbury, Mass., of the operating rights and property of NATIONAL MOTOR EXPRESS, INC., 17 Colonie Street, Albany, N.Y., and for acquisition by PAUL S. DUBREY, also of Shrewsbury, of control of such rights and property through the transaction. Applicants' attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington 6, D.C. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*

over regular routes, between Albany, N.Y., and Rutland, Vt., between Albany, N.Y., and specified points in New York, between Albany, N.Y., and Swanton, Vt., and between Albany, N.Y., and Burlington, Vt., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Albany and Plattsburg, N.Y., on the one hand, and, on the other, certain points in New York, and between certain points in New York, on the one hand, and, on the other, Burlington, Vt.; *petroleum products*, in containers, from Albany, N.Y., to Burlington and White River Junction, Vt. P. S. DUBREY TRUCKING CO., INC., is authorized to operate as a *common carrier*, in New York, Vermont, Massachusetts, Rhode Island, New Hampshire and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7159. Authority sought for purchase by HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn., of a portion of the operating rights of AUSTGEN EXPRESS & STORAGE COMPANY, 1111 Washington Street, Chicago Heights, Ill., and for acquisition by E. H. HOOVER, JR., MRS. MIRIAM H. COLE, MRS. ELIZABETH H. DERRYBERRY, MRS. RUTH H. GARRETT and MRS. DOROTHY H. MILAM, all of Nashville, of control of such rights through the purchase. Applicants' attorneys: Judson Harwood, 515 Nashville Trust Building, Nashville, Tenn., and Eugene L. Cohn, 1 North LaSalle Street Building, Chicago, Ill. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between Chicago, Ill., and Milwaukee, Wis., serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Chicago, Ill., and West Allis, Wis., serving all intermediate and certain off-route points; alternate route for operating convenience only between Chicago, Ill., and the junction of Eden's Expressway and U.S. Highway 41 somewhat north of Lake Avenue, serving no intermediate points, but the authority herein granted over the Expressway may be joined or tacked to authority held by carrier over U.S. Highway 41 but is not to be construed as authorizing service at any point not already authorized. Vende is authorized to operate as a *common carrier* in Tennessee, Georgia, Alabama, Missouri, Kentucky, Illinois, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7160. Authority sought for control by H. RICHARD STICKEL, ALBERT W. PALM, SR., THOMAS A. MULROY, MRS. LOUISE C. MCCracken, and LOUIS TOSE, 25 West Fourth Street, Bridgeport, Pa., of CEMENT EXPRESS, INC., Hokes Mill Road and Lemon Street, York, Pa., upon the latter's institution of operations in interstate or foreign commerce, as a contract carrier by motor vehicle, for which application has been made, as described below. Applicant's attorney: Adolph E.



Solie, 715 First National Bank Building, Madison 3, Wisconsin. Concurrently with the filing of this application, CEMENT EXPRESS, INC., filed an application on Form BMC-78 (Docket No. MC-118865) for a *contract carrier* permit to transport *cement* (Portland, Hydraulic and Masonry), in bulk, in tank vehicles, and in bags, over irregular routes, from the plant site of the Medusa Portland Cement Company at or near York, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, Massachusetts, New York, Pennsylvania, Rhode Island, West Virginia, Virginia, and the District of Columbia. Applicants hold no authority from this Commission, however they are affiliated with TOSE, INC., 25 West Fourth Street, Bridgeport, Pa., which is authorized to operate as a *common carrier* in Pennsylvania, New York, Maryland, New Jersey, Delaware, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7162. Authority sought for continuance in control by COAST LINE EXPRESS, 50 Brannan Street (P.O. Box 3543, Rincon Station), San Francisco, Calif., of CIRCLE FREIGHT LINES, 50 Brannan Street, San Francisco, Calif., and for acquisition by JAMES C. COUGHLIN, also of San Francisco, of control of CIRCLE FREIGHT LINES, through the acquisition by COAST LINE EXPRESS. Applicant's attorney: Marvin Handler, Handler and Baker, 625 Market Street, San Francisco 5, Calif. Operations sought to be controlled: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, authorizing operations as a *common carrier* over irregular routes in the transportation of *general commodities* with certain exceptions between points in the San Francisco Bay Area and points in Contra Costa County, Calif., as more fully described in CIRCLE FREIGHT LINES Second Proviso filing under Docket No. MC-99086. COAST LINE EXPRESS holds no authority from this Commission, however its controlling stockholder (JAMES C. COUGHLIN) is affiliated with California Motor Transport Co., Ltd., which is authorized to operate as a *common carrier* in California, and also under the Second Proviso of section 206(a)(1) of the Act, in California. Application has not been filed for temporary authority under section 210a(b).

NOTE: A motion to dismiss has been filed simultaneously with the above application, by reason of lack of jurisdiction.

No. MC-F-7163. Authority sought for continuance in control by VALLEY AND COAST TRANSIT COMPANY, 50 Brannan Street (P.O. Box 3543, Rincon Station), San Francisco, Calif., of STOCKTON MOTOR EXPRESS, 50 Brannan Street (P.O. Box 3543), Rincon Station), San Francisco, Calif., and for acquisition by JAMES C. COUGHLIN, also of San Francisco, of control of STOCKTON MOTOR EXPRESS, through the acquisition by VALLEY AND COAST TRANSIT COMPANY. Applicant's attorney: Marvin Handler, Handler and Baker, 625 Market Street, San Francisco 5, Calif.

Operations sought to be controlled: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, authorizing operations as a *common carrier* over certain specified regular routes in the transportation of *general commodities* with certain exceptions (a) between South San Francisco, San Francisco, Oakland, Berkeley, Alameda, Emeryville, Richmond, and San Leandro on the one hand, and Tracy, Stockton, Lodi, and Sacramento and points intermediate to Tracy, Stockton, and Sacramento on U.S. Highways 50 and 99 on the other hand; (b) between Tracy, Stockton, Lodi, and Sacramento; (c) between Tracy, Stockton, Lodi, and Sacramento on the one hand, and points intermediate thereto on U.S. Highways 50 and 99 on the other hand; (d) between the intermediate points named in (a) and (c) above, serving certain intermediate points. VALLEY AND COAST TRANSIT COMPANY holds no authority from this Commission, however its controlling stockholder (JAMES C. COUGHLIN) is affiliated with California Motor Transport Co., Ltd., which is authorized to operate as a *common carrier* in California, and also under the Second Proviso of section 206(a)(1) of the Act, in the State of California. Application has not been filed for temporary authority under section 210a(b).

NOTE: A motion to dismiss has been filed simultaneously with the above application, by reason of lack of jurisdiction.

No. MC-F-7164. Authority sought for purchase by CALIFORNIA MOTOR TRANSPORT CO., LTD., 50 Brannan Street (P.O. Box 3543, Rincon Station), San Francisco, Calif., of the operating rights and property of STOCKTON MOTOR EXPRESS, 50 Brannan Street (P.O. Box 3543, Rincon Station), San Francisco, Calif., and CIRCLE FREIGHT LINES, 50 Brannan Street (P.O. Box 3543, Rincon Station), San Francisco, Calif., and for acquisition by JAMES C. COUGHLIN, also of San Francisco, Calif., of control of such rights and property through the transaction. Applicants' attorney: Marvin Handler, Handler and Baker, 625 Market Street, San Francisco 5, Calif. Operating rights sought to be transferred: (STOCKTON MOTOR EXPRESS) Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, authorizing operations as a *common carrier* over certain specified regular routes in the transportation of *general commodities* with certain exceptions (a) between South San Francisco, San Francisco, Oakland, Berkeley, Alameda, Emeryville, Richmond, and San Leandro on the one hand, and Tracy, Stockton, Lodi, and Sacramento and points intermediate to Tracy, Stockton, and Sacramento on U.S. Highways 50 and 99 on the other hand; (b) between Tracy, Stockton, Lodi, and Sacramento; (c) between Tracy, Stockton, Lodi, and Sacramento on the one hand, and points intermediate thereto on U.S. Highways 50 and 99 on the other hand; (d) between the intermediate points named in (a) and (c) above, serving certain intermediate points; (CIRCLE FREIGHT LINES)

operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, authorizing operations as a *common carrier* over irregular routes in the transportation of *general commodities* with certain exceptions between points in the San Francisco Bay Area and points in Contra Costa County, Calif., as more fully described in CIRCLE FREIGHT LINES Second Proviso filing under Docket No. MC 99086. Vendee is authorized to operate as a *common carrier* in California, and also under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of California. Application has not been filed for temporary authority under section 210a(b).

NOTE: A motion to dismiss has been filed simultaneously with the above application, by reason of lack of jurisdiction.

No. MC-F-7165. Authority sought for purchase by L. E. WHITLOCK TRUCK SERVICE, INC., 629 West Broadway, Stafford, Kans. of a portion of the operating rights of R. L. ROGERS, H. L. ROGERS and H. L. ROGERS, JR., a partnership, doing business as ROGERS TRUCK LINE, P.O. Box 116, Sidney, Nebr., and for acquisition by L. E. WHITLOCK and G. M. WHITLOCK, both of 300 North Buffalo, Stafford, Kans., of control of such rights through the purchase. Applicants' representative: Bourke Finney, 629 West Broadway, Stafford, Kans. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe except the stringing or picking up of pipe in connection with main pipelines, as a *common carrier* over irregular routes, between points in Colorado and Wyoming, subject to the restriction that carrier may not tack or join these operations with other operations as authorized in Certificate No. MC-110687, for the purpose of conducting through operations. Vendee is authorized to operate as a *common carrier* in Kansas, Oklahoma, Utah, Nebraska, Wyoming, Colorado, North Dakota, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7166. Authority sought for purchase by LAW & INGHAM TRANSPORTATION COMPANY, INC., Airport Road, Nashua, New Hampshire, of a portion of the operating rights of GEORGE F. DOCKHAM, doing business as LEDO TRUCKING CO., Box 146, Raymond, New Hampshire, and for acquisition by GEORGE B. LAW, 24 Pine Hill Road, Nashua, N.H., and VERNICE W. LAW, 11 Ashland Street, Nashua, N.H., of control of such rights through the purchase. Applicants' attorneys: Thomas J. O'Loughlin, Jr., 18 Baker Street, Hudson, N.H., and Andre L. Barbeau, 795 Elm

Street, Manchester, N.H. Operating rights sought to be transferred: *Sodium chloride*, in bulk, in dump vehicles, as a *common carrier* over irregular routes, from Somerville, Mass., to points in New Hampshire. Vendee is authorized to operate as a *common carrier* in New Hampshire and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7168. Authority sought for control and merger by S & W MOTOR LINES, INC., 3330 High Point Road (P.O. Box 2973), Greensboro, N.C., of the operating rights and property of BISON FAST FREIGHT, INC., 1010 West Lee Street (P.O. Box 1717), Greensboro, N.C., and for acquisition by G. H. SHARP, also of Greensboro, of control of such rights and property through the transaction. Applicants' attorney: David G. Macdonald, 1625 K Street NW, Washington 6, D.C. Operating rights sought to be controlled and merged: *General commodities* with certain exceptions, including commodities in bulk and excluding household goods as a *common carrier* over irregular routes, between Augusta and Savannah, Ga., and points in North Carolina and South Carolina, on the one hand, and, on the other, Parkersburg, and Charleston, W. Va., Akron, Ohio, and points in Ohio within 25 miles of Akron; *roofing, builders supplies, and hardware*, from Cincinnati, Ohio, to Sanford, Mount Airy, Laurinburg, Raeford, Selma, Durham, and Laurel Hill, N.C.; *rock, granite, rock memorial products, and granite memorial products*, from Winnsboro, S.C., and points in South Carolina within 20 miles of Winnsboro, to Richmond, Springfield, Gary, and Hammond, Ind., and from points in South Carolina within 20 miles of Winnsboro, S.C., not including Winnsboro and Rion, to Charleston, Parkersburg, Huntington, Clarkesburg, Berkeley Springs, Princeton, Gauley Bridge, Monogah, Snow Hill, Belle, and Bluefield, W. Va., Marietta, Newcomerstown, Kent, Bedford, Cleveland, Lorain, Lancaster, Newark, New London, Versailles, Washington Court House, Dayton, Columbus, Akron, Jackson, Newport, Cincinnati, and Wapakoneta, Ohio, and Chicago, and Peoria, Ill.; *cotton yarn and fabrics*, from Laurel Hill, Laurinburg, and Bladenboro, N.C., and McColl, S.C., to Cleveland, Cincinnati, Warren, and Dayton, Ohio, and Sycamore and Chicago, Ill. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Indiana, Maryland, Virginia, North Carolina, Ohio, West Virginia, Rhode Island, Delaware, South Carolina, Tennessee, Alabama, Florida, Georgia, Mississippi, Texas, Louisiana, Arkansas, Missouri, Illinois, Kentucky, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7169. Authority sought for control by J. HARWOOD COCHRANE, 501 South 14th Street, Richmond 9, Va., of COCHRANE TRANSPORTATION COMPANY, 1622 Ninth Street Road, Richmond, Va. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street

Building, Atlanta 8, Ga. Operating rights sought to be controlled: *General commodities* (truckload or less than truckload lots), with certain exceptions including commodities in bulk and excluding household goods, as a *common carrier* over regular routes between Hopewell, Va., and Philadelphia, Pa., serving all intermediate points; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, between Philadelphia, Pa., and New York, N.Y., and between Camden, N.J., and junction U.S. Highways 130 and 1 (near New Brunswick, N.J.), serving certain intermediate and off-route points; several alternate routes for operating convenience only; **RESTRICTION:** The operating authority specified above is restricted to movements in truckload lots only, except such restriction shall not apply on traffic originating at, destined to, or interchanged at Baltimore, Md., or points south thereof; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Richmond, Va., and Richmond Deepwater Terminal, Va. J. HARWOOD COCHRANE holds no authority from this Commission; however he is affiliated with OVERNITE TRANSPORTATION COMPANY, 501 South 14th Street (P.O. Box 1216), Richmond, Va., which is authorized to operate as a *common carrier* in Virginia, North Carolina, South Carolina, Tennessee, and Georgia. Application has not been filed for temporary authority under section 210a(b).

#### MOTOR CARRIERS OF PASSENGERS

No. MC-F-7161. Authority sought for purchase by G. HERBERT WILLS and JOSEPH W. LAYTON, partnership, doing business as L & W TRANSPORTATION COMPANY, Madison Avenue, Mount Holly, N.J., of the operating rights and certain property of NEIBAUER BUS COMPANY, 1520 Farragut Avenue, Bristol, Pa. Applicants' attorney: Henry F. Gill, Broad Street Bank Building, Trenton, N.J. Operating rights sought to be transferred: *Passengers and their baggage*, as a *common carrier* over regular routes, between Philadelphia, Pa., and Trenton, N.J., restricted against the transportation of passengers who are picked up at Morrisville, and are destined to Trenton, N.J., or who are picked up at Trenton and are destined to Morrisville, between Tullytown, Pa., and junction U.S. Highway 13 and Falls Township Road 378 (Fort Mill Road), and between specified points in Pennsylvania, serving all intermediate points; *passengers and their baggage*, and express, newspapers, and mail, in the same vehicle with passengers, between Burlington, N.J., and Bristol, Pa., and between Bristol, Pa., and Trenton, N.J., restricted against picking up of passengers at Morrisville, Pa., when destined to Trenton or at Trenton when destined to Morrisville, serving all intermediate points; *passengers and their baggage* restricted to traffic originating in the territory and at the points indicated, in charter operations,

over irregular routes, from Philadelphia, Pa., and points in that part of Pennsylvania bounded by a line extending in a northeasterly direction from Philadelphia along U.S. Highway 1 to the Delaware River, thence south along the Delaware River to the northeastern city limits of Philadelphia, and thence along the northeastern city limits of Philadelphia to point of beginning, including points on the indicated portion of the highway specified to points in New Jersey, New York, Delaware, and Maryland, from Langhorne, Pa., to Atlantic City, N.J., from Florence, N.J., and points in New Jersey within ten miles of Florence to points in that part of Pennsylvania east and south of U.S. Highways 122 and 22, from Philadelphia, Pa., and points within 35 miles of the City Hall at Philadelphia, to points in New York, New Jersey, Delaware, Maryland, the District of Columbia; those in Virginia on and east of U.S. Highway 1, and those in Pennsylvania within 35 miles of the City Hall at Philadelphia. G. Herbert Wills holds no authority from this Commission, however Joseph Layton (one of the partners of vendee), doing business as Layton's Bus Service, 10 Buttonwood St., Trenton, N.J., is authorized to operate as a *common carrier* by motor vehicle of passengers and their baggage in charter service in the States of New Jersey, Delaware, Virginia, Pennsylvania, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-3379; Filed, Apr. 21, 1959; 8:48 a.m.]

#### FOURTH-SECTION APPLICATIONS FOR RELIEF

APRIL-17, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 35372: *Rock salt—Louisiana mines to Louisville, Ky.* Filed by Southwestern Freight Bureau, Agent (No. B-7529), for interested rail carriers. Rates on rock salt, loose, in bulk, carloads from Avery Island, Jefferson Island, Weeks, and Winnfield, La., to Louisville, Ky.

Grounds for relief: Market competition at Louisville with Detroit, Mich.

Tariff: Supplement 21 to Southwestern Freight Bureau tariff I.C.C. 4263.

FSA No. 35373: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 351), for interested rail carriers. Rates on boxes, candy or confectionery, chemicals, cotton seed products, pulpboard or fibreboard, and rice and products, carloads between points in Texas over interstate

routes through points in adjoining states.  
 Grounds for relief: Texas intrastate competition and short-line distance formulas.

Tariff: Supplement 84 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 35374: *Commodities between points in Texas*. Filed by Texas-Louisiana Freight Bureau, Agent (No. 352), for interested rail carriers. Rates on boxes, candy or confectionery, chemicals, cotton seed products, pulpboard or fibreboard, and rice and products, carloads from and to points in Texas over interstate routes.

Grounds for relief: Maintenance of through one-factor rates from or to points not depressed by Texas intrastate competition.

Tariff: Supplement 84 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
 Secretary.

[F.R. Doc. 59-3375; Filed, Apr. 21, 1959;  
 8:48 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### LEARNER EMPLOYMENT CERTIFICATES

##### Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Cater Frock Co., New Braunfels, Tex.; effective 4-9-59 to 4-8-60 (children's dresses).

Little Star Frocks Inc., Walnut and Orchard Streets, Bridgeton, N.J., effective 4-9-59 to 4-8-60 (children's dresses).

M. T. Co., Spartanburg Highway, Hendersonville, N.C.; effective 4-1-59 to 3-31-60 (missy and children's playclothes).

No. 78—6

Meridian Manufacturing Co., 2315 Front Street, Meridian, Miss.; effective 4-2-59 to 4-1-60 (men's and boys' bathrobes and sportswear).

Monroe Trouser Manufacturing Co., Smithville, Miss.; effective 4-8-59 to 4-7-60 (men's and boys' trousers).

Osan Manufacturing Co., Inc., Front and Washington Streets, Boyertown, Pa.; effective 4-3-59 to 4-2-60 (men's and boys' dress trousers).

Salant and Salant, Inc., South First Street, Union City, Tenn.; effective 4-13-59 to 4-12-60 (boys' and men's cotton work pants).

Sandye Shirt Corp., Portland, Tenn.; effective 4-20-59 to 4-19-60 (men's and boys' sport shirts).

Wagener Manufacturing Co., Inc., Wagener, S.C.; effective 4-11-59 to 4-10-60 (shirts, robes, cabana sets).

Welden Manufacturing Co. of Pennsylvania, Muncy, Pa.; effective 4-1-59 to 3-31-60 (pajamas).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

National Sportswear Co., 139 Main Street, Reedsburg, Wis.; effective 4-4-59 to 4-3-60; 10 learners (women's blouses).

Oneonta Plains Manufacturing Co., Inc., 359 Chestnut Street, Oneonta, N.Y., effective 4-2-59 to 4-1-60; 10 learners (ladies' dresses).

Winett, Inc., 3059 North 27th Street, Kansas City, Kans.; effective 3-31-59 to 3-30-60; 10 learners (infants' diaper sets, children's sportswear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 4-7-59 to 10-6-59; 25 learners engaged in the manufacture of garments included under the Single Pants, etc., regulations (men's, boys', children's and women's car coats).

M. T. Co., Spartanburg Highway, Hendersonville, N.C.; effective 4-1-59 to 9-30-59; 20 learners (missy and children's playclothes).

Monroe Trouser Manufacturing Co., Smithville, Miss.; effective 4-8-59 to 10-7-59; 15 learners (men's and boys' trousers).

Rob Roy Co., Inc., Vienna, Md.; effective 4-2-59 to 10-1-59; 30 learners (boy's shirts).

The Warner Brothers Co., Marianna, Fla.; effective 4-1-59 to 9-30-59; 40 learners (corsets and brassieres).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Seattle Glove Co., 519 12th Avenue South, Seattle, Wash.; effective 4-6-59 to 4-5-60; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Ashburn Hosiery Mills, Inc., 719 South Street, Mount Airy, N.C.; effective 4-6-59 to 4-5-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (boys' seamless).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 4-6-59 to 10-5-59; 10 high school students for part-time employment in the occupation of looping only for a learning period of 816 hours at the rates of 85 cents an hour for the first 432 hours and not less than 92½ cents an hour for the remaining 384 hours (seamless).

Claussner Hosiery Co., Plant No. 2, Seamless Div., 30th and Adams Streets, Paducah, Ky.; effective 4-7-59 to 10-6-59; 15 learners for plant expansion purposes (seamless).

Excel Hosiery Mills, Inc., 203-205 Hart Street, Union, S.C.; effective 4-6-59 to 4-5-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Glen Raven Knitting Mills, Inc., Altamahaw, N.C.; effective 4-6-59 to 4-5-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Harper Hosiery Mills, Inc., P.O. Box 1380, Concord, N.C.; effective 4-8-59 to 4-6-60; 5 learners for normal labor turnover purposes (ladies' seamless nylon).

Newland Knitting Mills, Newland, N.C.; effective 4-10-59 to 10-9-59; 50 learners for plant expansion purposes (ladies' seamless).

Van Raalte Co., Inc., Franklin, N.C.; effective 4-16-59 to 4-15-60; five learners for normal labor turnover purposes (full-fashioned).

The Wilma Hosiery Mill, Inc., Spruce Pine, N.C.; effective 4-8-59 to 10-7-59; five learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Claxton Manufacturing Co., Inc., Claxton, Ga.; effective 4-1-59 to 3-31-60; five learners for normal labor turnover purposes (ladies' knit underwear).

Superior Mills, Div. of B.V.D. Co., Inc., Carboro, N.C.; effective 4-7-59 to 10-6-59; 20 learners for plant expansion purposes (knitted cotton cloth for underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Robert Hall Manufacturing Co., Inc., 60 Broadway, Brooklyn, N.Y.; effective 4-6-59 to 10-5-59; 50 learners for plant expansion purposes in the occupations of sewing machine operator, and final presser, each for a learning period of 480 hours at the rates of 90 cents an hour for the first 280 hours and 95 cents an hour for the remaining 200 hours (men's suits, topcoats, sportcoats).

Lambert Manufacturing Co., Inc., Ogden & Main St., Gallatin, Mo.; effective 4-6-59 to 10-5-59; five learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (sport and work caps).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Becton, Dickinson Inc. of Puerto Rico, Juncos, P.R.; effective 3-13-59 to 12-14-59; five learners for normal labor turnover purposes in the occupations of; first test tubes; shakedown and rack for point; point and unrack; chart and 2d machine test; wax; scale; numbers; names and serials; blot and dip bulbs; etch and clean; paint and polish; inspect engraving; rack for certify; run thru for certify; and certify; each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (replacement certificate) (clinical thermometers).

Caribe General Electric, Inc., Palmer, P.R.; effective 3-13-59 to 3-21-59; 95 learners for plant expansion purposes in the occupations of; (1) welders; power press operators;

calibrators; and molders; each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours; (2) assemblers; inspectors; plastic finishers; platers; stampers; and drillers; each for a learning period of 240 hours at the rate of 80 cents an hour; (3) grinders for a learning period of 160 hours at the rate of 80 cents an hour (replacement certificate) (electrical products).

Caribe Sportswear, Inc., Caguas, P.R.; effective 3-19-59 to 9-18-59; 26 learners for plant expansion purposes in the occupations of sewing machine operators, and final pressing, each for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours (women's and children's blouses).

Chrysler Zeder Corp., San Juan, P.R.; effective 3-13-59 to 4-26-59; 30 learners for plant expansion purposes in the occupations of: wire stripping; soldering and assembly; wiring; inspection and testing; each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (replacement certificate) (electronic automotive control).

Economy Industries, Inc., Rio Grande, P.R.; effective 3-23-59 to 3-22-60; 10 learners for normal labor turnover purposes in the occupations of sewing machine operators, and final pressers, each for a learning period of 480 hours at the rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours (ladies' blouses and dresses).

Electric Wave Filters, Inc., Ceiba, P.R.; effective 3-13-59 to 12-14-59; five learners for normal labor turnover purposes in the occupation of coil winding and assembly work on electric wave filters for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents for the remaining 240 hours (replacement certificate) (electric wave filters).

Endevco, Inc., Caparra Heights, P.R.; effective 3-13-59 to 4-20-59; six learners for plant expansion purposes in the occupation of instrument workers for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (replacement certificate) (accelerometers).

Fairfield Manufacturing Co., Inc., Santurce, P.R.; effective 3-13-59 to 6-22-59; 10 learners for normal labor turnover purposes in the occupations of: assembler; welder; racker; plater; dipper; box maker and inspector; nip maker; and wire former; each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents for the remaining 240 hours (replacement certificate) (drapery pleater hooks).

General Electric Instrument Corp., Caguas, P.R.; effective 3-13-59 to 4-15-59; 62 learners for plant expansion purposes in the occupations of: sub-assembly and final assembly of small panel instruments, exposure meters and small portable instruments each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining

240 hours (replacement certificate) (electric instruments).

General Electric Switchgear, Inc., Palmer, P.R.; effective 3-16-59 to 9-15-59; 70 learners for plant expansion purposes in the occupations of: (1) punch press operators; screw machine operators; milling machine operators; welders; machine set-up man; female assemblers Class 3; male assemblers Class 3; male assemblers working leader; each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours; (2) drill press operators; miscellaneous machine operators; female assemblers Class 2; each for a learning period of 240 hours at the rate of 80 cents an hour (electrical products).

General Electric Wiring Devices, Inc., Juana Diaz, P.R.; effective 3-13-59 to 5-20-59; 10 learners for normal labor turnover purposes in the occupations of: molders; and assemblers; each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (replacement certificate) (electrical wiring devices).

General Electric Wiring Devices, Inc., Juana Diaz, P.R.; effective 3-13-59 to 4-19-59; 20 learners for plant expansion purposes in the occupations of: molders; and assemblers; each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (replacement certificate) (electrical wiring devices).

General Enterprises Inc., Bo. Palmarejo, Lajas, P.R.; effective 3-23-59 to 9-22-59; 60 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting operation for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (machine applique embroidery).

Island Knitting Mills, Inc., San Lorenzo, P.R.; effective 3-17-59 to 3-16-60; 10 learners for normal labor turnover purposes in the occupations of: (1) toppers; knitters; and loopers; each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitcher (Union Special Operator); and menders; each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (men's sport shirts and ladies' sweaters).

Knitco, Inc., (P.R.) Toa Alta, P.R.; effective 3-17-59 to 9-16-59; 50 learners for plant expansion purposes in the occupations of: (1) knitters, loopers, and toppers, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitchers; menders; and pressers, each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (full-fashioned sweaters).

Precision Miniature Balls, Inc., Santurce, P.R.; effective 3-16-59 to 9-15-59; six learners for plant expansion purposes in the occupations of: machine operators; ball grinder; ball lapper; ball polishers; and inspectors; each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (precision miniature balls).

Rizotex, Inc., Cayey, P.R.; effective 3-19-59 to 3-18-60; five learners for normal labor turnover purposes in the occupations of: winders, and crimping; and twisters; each for a learning period of 240 hours at the rate of 50 cents an hour (yarn manufacturing).

Tempulse Corp., Bayamon, P.R. effective 3-13-59 to 5-25-59; 12 learners for plant expansion purposes in the occupations of: (1) mechanical subassembly for a learning period of 240 hours at the rate of 76 cents an hour; (2) riveting; upholstery; and motor assembly; each for a learning period of 160 hours at the rate of 76 cents an hour (replacement certificate) (heat massage-pads with vibration).

Thermomassage Corp., Bayamon, P.R.; effective 3-13-59 to 5-25-59; 14 learners for plant expansion purposes in the occupations of: (1) vacuum forming; mechanical sub-assembly; each for a learning period of 240 hours at the rate of 76 cents an hour; (2) wood working; motor assembly; each for a learning period of 160 hours at the rate of 76 cents an hour (replacement certificate) (home massage units).

Weston Puerto Rico, Inc., Ponce, P.R.; effective 3-13-59 to 4-30-59; 30 learners for plant expansion purposes in the occupations of: coil winders; sub-assemblers; assemblers; adjusters; and inspectors; each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (replacement certificate) (electrical measuring instruments).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C. this 9th day of April 1959.

MILTON BROOKE,  
Authorized Representative of the  
Administrator.

[P.R. Doc. 59-3380; Filed, Apr. 21, 1959; 8:48 a.m.]

## CUMULATIVE CODIFICATION GUIDE—APRIL

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